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Senate

TRIBUTES TO RETIRING SENATORS

Mr. DODD. Mr. President, I know the hour is getting late and others want to be heard, but I briefly want to express some thoughts about our colleagues who are leaving this wonderful body. Today we have heard some very compelling speeches, particularly the one given by my good friend, TOM DASCHLE of South Dakota, our Democratic leader.

I was pleased to see so many of our colleagues remain on the floor to listen to the departing Democratic leader. The words he expressed about his State, his staff, his colleagues, his feelings about the country, and the future, are instructive. I know it can sound repetitive when people hear us talk about our colleagues this way, but I think it is important for the public to note that while they might hear only about the bickering, the part that you do not often see is the deep respect, affection, and caring that goes on among the Members of this body. This affection comes despite the differences that exist in red States and blue States, or being strongly conservative or strongly liberal.

There is this weaving of a common denominator through each and every one of us, particularly after years of common service in this remarkable institution we call the Senate. There is a deep and abiding respect for those who have come here, those who have served here, those who have tried to make a difference for our country.

It may seem like it is inside discussion, but I hope the public understands how deeply felt these comments are about colleagues who will no longer have the pleasure of spending each and every day in this Chamber, but whose friendship and collegiality will continue in the years ahead as we encounter each other in different walks of life.

ERNEST HOLLINGS

First, FRITZ HOLLINGS has now served with two generations of my family. He served with my father briefly, and over the last 24 years we have served together in this Chamber. I have not had the pleasure of serving with FRITZ HOLLINGS, except once on the Budget Committee for a few years.

We have become very good friends though. We have traveled together. We have spent a lot of time together. I have been to his State. I have gone to South Carolina at his invitation to speak to South Carolinians. Inviting this swamp Yankee from Connecticut to come south of the Mason-Dixon line was a source of tremendous joy and pleasure, especially to be with FRITZ HOLLINGS, his lovely wife Peatsy, and their constituents not too many months ago, on a St. Patrick's Day event in Charleston, SC.

FRITZ HOLLINGS has done a remarkable job for his State of South Carolina, as well as for his nation, beginning with his career in the military, serving in North Africa and in Europe during World War II. He was awarded the Bronze Star and seven campaign ribbons; elected to South Carolina's House of Representatives at the age of 26, the youngest Governor in that State in the 20th century; and during his 4 years as Governor, balanced the State budget, dramatically improving South Carolina's economy.

He was elected to the Senate in 1964. His resume included an incredible list of legislative accomplishments. Anyone who would have accomplished any one of these things could have considered their career a successful one. He was the author of the Women, Infants and Children Program, the WIC Program. During my early years in the Senate, I had the pleasure of working with him on the famous Gramm-Rudman-Hollings Act in 1985, which was called by the Brookings Institution one of the most significant pieces of legislation in the 20th century.

He wrote the first law designed to protect our coastal wetlands, and initiated a nationwide effort to encourage women to screen themselves for breast and cervical cancer.

Over the past few years he spoke forcefully about the dangers facing this country due to the outsourcing of jobs.

Senator HOLLINGS has always been a strong and loud voice against fiscal irresponsibility in our Government and in favor of creating American jobs.

FRITZ is an American original. The Senate is not likely to see his like here again. Whatever else you may have thought, he was direct and forceful, and spoke with great passion about the things he believed in. It is the kind of public service and the kind of stewardship in this body that others could duplicate in years to come. They would do well to follow the example of FRITZ HOLLINGS, a wonderful Senator, a delightful friend. I shall miss his service here, but I am very confident I will see him over and over again in years to come. And I wish, as my colleagues have, that he, Peatsy, and his family have many years of joyful retirement.

BOB GRAHAM

BOB GRAHAM is also leaving the Senate. I would like to recognize him and the State of Florida for sharing BOB GRAHAM with us. He served for 18 years in the Senate. Prior to his election to this body, he served as a Governor for 8 years in Florida, and served previously in both the Florida State Senate and the House of Representatives. He is without a doubt one of the most respected and popular public figures who have ever represented the State of Florida. He is well known in Florida for working over 400 days alongside his constituents, as others mentioned this afternoon, giving him a unique perspective on the issues and problems they deal with each and every day.

But not only was he doing it for Floridians, those 400 days he spent working along with others became a national symbol of someone who went out of his way to understand and learn how other people work and live every single day.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

He has been a tireless advocate for priorities that affect Florida's citizens, including prescription drug coverage for seniors, and preservation of the Everglades and the Florida coastline. I have been privileged to work with him on several occasions. I particularly appreciate his work for the people of Haiti.

Since the attacks of September 11, Senator GRAHAM has shown an unyielding and passionate commitment to making our Nation stronger, safer, and far more secure. In particular, he has spoken out forcefully and candidly in favor of reforming our intelligence agencies.

As chairman of the Select Committee on Intelligence during the previous Congress, he was the primary author of sections of the USA Patriot Act that require greater information sharing among intelligence and law enforcement agencies. He has been outspoken about what our Nation could have done before 9/11 to protect itself, and how it is just as important that we do everything in our power to make this country safer in the 21st century.

BOB GRAHAM leaves this body as one of its most respected Members, and one of the most well liked public servants in his State and in this Chamber. We will miss him in this body and I wish BOB and his lovely wife Adele and the rest of their family all the best in the years to come.

JOHN BREAUX

Our colleague, JOHN BREAUX of Louisiana, follows a great tradition of some remarkable people who served that State in this body. For 35 years, JOHN has been, first a staff member, then a House Member for 14 years, and for the past 18 years a Member of the Senate. JOHN BREAUX was elected to the Senate to fill the seat of the late Russell Long, considered one of the most capable and effective men ever to serve in this body. In fact, my father, who served with Russell Long, as I did for some time, saw Russell Long as a great and dear friend.

I am proud to call JOHN BREAUX a friend as well. Without a doubt, Senator BREAUX has ably filled the imposing shoes of Russell Long during his service here.

JOHN BREAUX has won great respect on both sides of the aisle for his ability to reach across party lines and bring Senators together. He is a legislator's legislator. We don't often celebrate legislators. People often run to serve in this body by promising to be independent, to be their own person, to not compromise. It is an appealing political argument. But all of us who serve here know that our ability to get anything done requires our ability to compromise with one another.

We are 100 coequals serving in this great legislative body. The only way anything ever happens is if people are willing to compromise and work together. JOHN BREAUX understood that from the day he arrived here and never failed to seek out the means to achieve those goals during his 18 years of service.

He is a wonderful example of what Senators need to do if they are going to be successful. If I could offer any words of advice to the incoming class of Senators who will be arriving on January 4, it is to follow the model set by JOHN BREAUX. I don't care what your politics are, if you want to succeed, if you want to help your State, if you want to make a difference for your country, then find out ways to work with people across the political aisle. If you do not, you may enjoy your service here but you will accomplish very little.

JOHN BREAUX accomplished great things because he understood the importance of reaching out to people, people with whom he disagreed but he would constantly seek them out if there were some common ground about which they could agree. As a result, his accomplishments were significant. Many times the accomplishments don't bear his name. You might not find JOHN BREAUX's name on the bill, but ask anybody who was around when the bill became law, and they will tell you it happened because JOHN BREAUX brought people together.

I will miss him. This body will. He had some wonderful accomplishments here which made a huge difference, and I wish him and his family the best in the years to come.

JOHN EDWARDS

JOHN EDWARDS, as well, is leaving the Senate. What a remarkable 6 years. Short in some ways but rather significant considering what he was able to accomplish. He brought enthusiasm, optimism, and eloquence that won him voters and supporters in his first effort to seek election in the State of North Carolina. He was a powerful voice for the Democratic Party throughout the Democratic primaries. He was a powerful voice for our party this past year as a Vice Presidential candidate. That is a rather remarkable set of accomplishments in 6 short years.

He distinguished himself, of course, by exceeding expectations in many cases. He rose from a background of modest means. As we have heard said, he became the first in his family to go on to higher education, then law school, becoming one of the most successful attorneys in America, not only in his home State of North Carolina.

He won difficult cases motivated by trying to see to it that people who had little means to protect themselves would have an advocate when he represented them in a court of law.

Here in this body he took a leading role on the Patients' Bill of Rights. He brought a compelling and compassionate message to America. He talked about two Americas: the America of those who have, and those who lack the good things in life, who lack the essentials and basics. JOHN spoke of the real moral values shared by mainstream America. He is a young man whose voice will be heard, I will predict, in the coming months and years.

He spoke of our moral obligation to honor hard work, to lift Americans out of poverty, expand health care, break down racial and economic barriers, to enact fair tax policies to make sure that all Americans pay their fair share. He spoke honestly and directly about some of the widening gaps in our society. America listened, paid attention, and rewarded him their respect.

I certainly believe he would have been an asset to his country had he stayed in the Senate. I am sorry he is not going to be here. He made the decision when he sought the Presidency to leave the Senate. I believe JOHN EDWARDS would have made a tremendously fine Senator in the years ahead had he stayed here. He has decided to take another path. I am confident, as I said a moment ago, he will find a way to continue to be heard.

I also want to take a moment to express my best wishes and those of my wife Jackie to his wife Elizabeth. America knows and deeply appreciates Elizabeth. As we all heard a few weeks ago, the family now faces a very different kind of fight. I am certain I speak for everyone in this body, across the country, regardless of their political views and how they voted on election day, when they heard that Elizabeth Edwards had breast cancer, every single person in this country prayed to the dear Lord that Elizabeth Edwards will be rid of this dreadful disease, and that she and her young children will have years and years of good health ahead.

I am confident that will be the case knowing what a fighter she is and what a fighter her husband is.

We all wish them and their family nothing but the best during this difficult time.

BEN NIGHTHORSE CAMPBELL

Mr. President, I also want to take a few minutes to speak about another dear friend, BEN NIGHTHORSE CAMPBELL.

BEN and I have served together for a while on the same side of the aisle. BEN made a decision to move to the other side of the aisle a few years ago. We talked at great length about his decision. I recall how it was very difficult. In fact, we talked into the wee hours of the morning about his decision to go from the Democratic side of the aisle to the Republican side of the aisle.

Despite that change, we have continued our strong friendship over the years. I respected his decision. I was disappointed by it, obviously, but nonetheless, I respected the decision he made and the reasons for his arriving at that decision. I have great affection for him and wish nothing but the best in the years ahead.

He has a compelling story. He is the son of a Portuguese immigrant and a Northern Cheyenne Indian. He is 1 of 44 chiefs of the Northern Cheyenne Indian Tribe. He is the first American Indian to chair the Committee on Indian Affairs. Without a doubt, Senator CAMPBELL's heritage has enabled him to

bring a unique perspective to this body, a perspective I know all of us have valued over the years.

Throughout his 12-year tenure in the Senate, Senator CAMPBELL has represented not only his constituents in Colorado but Native Americans all across our Nation. For some years, he, along with DAN INOUYE of Hawaii and others, have worked hard to establish the National Museum of the American Indian. Finally, this past September, the dream finally became reality. It never would have happened had it not been for BEN NIGHTHORSE CAMPBELL and DAN INOUYE.

As a result of their determination over the years to see that there would be adequate recognition for America's Native peoples, the museum would not have happened.

BEN NIGHTHORSE CAMPBELL has been involved in many other issues such as the Helsinki Commission. But his particular contribution, I think, will always be raising the profile and the interests of our Native Americans.

All of us, again, wish him and Linda and their family the very best in the years to come.

DON NICKLES

Mr. President, DON NICKLES and I arrived here on the same day in January of 1981. There were 16 Republicans and 2 Democrats. If you think we had a sweep one way or the other a week or two ago, in 1981 there was truly a sweep. There were 16 Republicans and 2 Democrats. The other Democrat was Alan Dixon of Illinois, my good friend. Of the 16 Republicans who were elected, there will now only be 2 left in the 109th Congress. Today there are three of the sixteen Republicans elected in 1980. DON NICKLES is the third, and he is leaving. I always say 50 percent of the Democrats are still here after 24 years.

It was an interesting class. DON NICKLES certainly was a remarkable public servant. Here he is after 24 years. I think DON is barely over 50. He was one of the youngest people ever elected to the Senate. He looks even younger. I think he ran the marathon just a few weeks ago, and is certainly in great health. He is truly a remarkable person.

We have disagreed on issues and have different points of view on many questions facing our country. But there has been no tougher, tenacious fighter for policies which he holds so dear, particularly in budgetary matters.

He has been a staunch supporter of lower taxes on business, of free markets, of limited government regulation. He is as tough a competitor as you are ever going to find.

I will tell you that when the battle is over—again, this is my advice to the new Members coming in, if you want a real role model to look to on how to serve—you could have one of the most fierce debates in your life out here on the floor with DON, but the minute that debate was over, you wouldn't have a better friend when you walked off the floor. He knew how to separate differences on public policy and not have it contaminate personal relationships.

Again, the new Members arriving here, as you get involved in debates, if you have disagreements with your colleagues on matters, don't let it become personal. That very colleague you are having the fight of your life with today, tomorrow may be your most significant ally on another issue. DON NICKLES is a wonderful example of that kind of stewardship in the Senate.

So to DON, Linda, and their family and children, we wish them the very best in the coming years. I am confident one way or the other that DON NICKLES is going to be directly and deeply involved in the public debate and discourse in our country in the coming years.

PETER FITZGERALD

Mr. DODD. Mr. President, PETER FITZGERALD is also a good friend. He has represented his State of Illinois and is leaving after only one term.

Again, as Senators from the opposite sides of the aisle, Senator FITZGERALD and I often disagreed. We found some common ground on some issues, including the Patients' Bill of Rights, the gun show loophole, and campaign finance reform. I wish him good luck when he returns to the private sector where he has been an extremely successful attorney in the banking industry. I caution him not to do too well. I am on the Senate committee responsible for overseeing that carefully. I say that, of course, with tongue in cheek.

I certainly wish he, Nina, and Jake all the best in the years to come.

TOM DASCHLE

Mr. DODD. Mr. President, I want to share a few thoughts about our Democratic leader.

I mentioned at the outset of these remarks that I was so deeply moved and impressed today by the words of TOM DASCHLE. I hope all of our colleagues, if they were not here, will read his remarks. It was about as good a speech as I have heard given in this body in a long time. It laid out some pretty important standards for all of us to keep in mind, particularly those of us serving here—the notion of hope that he talked about; the notion of not forgetting where you come from no matter how important you think you are at any given moment; to remember your staff; to remember the people who helped make us successful and who deserve great credit for their tireless contributions; remembering people who work in the Senate, arrive here in the wee hours of the morning to make these buildings operate; and remembering his constituents and his family. It was as eloquent a farewell address as you are ever going to hear in the Senate.

TOM DASCHLE, of course, has served with me in the Senate since 1987. He has served as Democratic leader for the past decade. He has been a very able leader and spokesman for our party and our beliefs on the Senate floor or on national news programs.

Anyone who has observed TOM DASCHLE over these past 18 years knows he is generally not one to raise his voice. But beneath his gentle demeanor and soft tone and human decency is a fierce determination to do what is right for both his constituents in South Dakota and the American people. His service to the people of South Dakota has been outstanding.

I noted earlier that Senator PAUL SARBANES of Maryland quoted some editorials from newspapers of South Dakota talking about his service to their State over these past 26 years in the House and the Senate.

As a Senator from our Nation's third smallest State in terms of area, I am somewhat spoiled by the ease with which I am able to meet with my constituents. TOM, on the other hand, has represented a State of over 77,000 square miles, smaller I might add than the State of the Presiding Officer of Montana, but nonetheless daunting if you come from a State such as Connecticut which is so much smaller. You have counties in your State of Montana which are larger, I think, than the State of Connecticut.

Each year TOM set aside time to drive to each of the 66 counties in the State alone in his car with no staff, just arriving in town, seeing people and talking to them regardless of the lofty position he held here on the Democrat side of the aisle. He always took that time out each year to go back to reconnect with the roots of South Dakota and to meet with his people at home is one of the reasons why he never was confused by the title of ''leader.'' He was always very firmly planted on the ground and why he would fight as leader not only for our national issues but for State issues.

He was completely understanding of other Senators who would come to him and talk about the needs in their own States. Because he was so rooted in understanding of his own constituent needs, he was deeply sympathetic to other Senators as they lobbied on behalf of matters that were important to their constituencies.

He championed legislation to provide disaster relief for farmers, expand health care services in rural area, expand health care to Native Americans, and the list goes on.

In his role as Democratic leader TOM DASCHLE has stood for the values that are the bedrock of our Nation, such as a strong middle class, a foreign policy that keeps America strong by working with our allies, fiscally responsible economic policies that invest in critical national priorities such as jobs, education, and health care.

During President Clinton's term he helped advance the agenda that created over 22 million new jobs in our Nation, the longest period of economic expansion in American history.

Over the past 4 years, he has led our party's efforts to return to more responsible policies that can make our Nation stronger both at home and abroad.

On a personal level, I will miss TOM DASCHLE very much. I am the individual who lost to him by one vote 10 years ago. I remember that day very well as we competed to become Democratic leader. Many people assume when anyone goes through a battle like that, an intense battle of some 24 days, that it may cause a permanent divide in a relationship. We quickly got over that. I certainly did, and Tom did. He reached out to me directly, invited me to be part of a circle that would help shape positions within our party. He is a gracious human being. We have become very good friends, and we will retain that friendship.

I would be far less than candid with my colleagues or my constituents if I didn't tell you I will miss this man very much. He is as decent a human being as I have ever known in my life, in public or in private life. He is a good, good man. Whatever he does, he will bring great integrity, great honor, and great decency to any endeavor that he becomes involved in.

I look forward to many years of good friendship with him and Linda. I wish he and his family the very best in the years to come.

I apologize for taking this extra time. It is important that the public hear Members talk about each other, even those who disagreed on matters, that they understand why this institution works more than 230 years after the Founders created it.

I, as a Senator from Connecticut, take unique pride in the Senate because it was Roger Sherman and Oliver Ellsworth, both of Connecticut, who offered at the Constitutional Convention the idea of the Senate representing small and large States. Arguing over a unicameral system, Sherman and Ellsworth said, how about having a second body with equal representation, regardless of the size or the population of the State. As a result, this institution was created. It has been a great place that has served our Nation for so long and I am confident it will in the future.

We have been blessed by the participation of those who are leaving. All of us wish each and every one of them the very best in the years to come.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator DODD for his comments. My relationship and experience with TOM DASCHLE was a man who was a straight shooter. Every time I asked him something, I got a legitimate answer. If he committed to do something to help me, he did it. He was a gentleman at all times. We never had a harsh word. We may disagree—and we did disagree over policies, we all did—and debated and argued and fussed, as we do in this Senate, but there is something special about this body.

Senator DODD, a son of a Senator himself, has deep connections and many years here and understands it better than most. It is important that we recognize the humanity, the skill, the dedication of each Member of the body, whether we agree politically, whether we are in the same party, and we recognize that.

Senator DODD, thank you for the comments. It means a lot to the body, as does your leadership.

DON NICKLES

Mr. MCCONNELL. Mr. president, the year was 1980. Inflation was 13 percent, mortgage rates were hitting 15 percent, unemployment was 7.1 percent, and the economy was suffering its fourth year of recession in 10 years.

The Soviet Union was on the march in Afghanistan, its puppets were leading insurgents in Central America and South Africa, and U.S. Embassy officials were being held as hostages in Iran.

''Stagflation'' and ''malaise'' were the new words of the American lexicon.

Then the Reagan revolution swept across this Nation and into this town. And while Ronald Reagan was the leader, he was not alone. Across this broad Nation, ordinary people came to this city with similar vision and they helped President Reagan accomplish extraordinary things.

One of these ordinary people was a young businessman from Ponca City, OK. At the tender age of 31, DON NICKLES was the youngest Republican ever elected to the U.S. Senate.

But while he might have been young, it didn't take long for the Senate to discover that this young man—a former janitor who worked his way through college—was wise beyond his years and as solid as the Rock of Gibraltar.

Freedom has had no greater defender than DON NICKLES. He has been a strong proponent of the free enterprise system. On budget, tax, debt matters—in fact on almost every conceivable question of fiscal policy, DON NICKLES was dead on target.

He was absolutely committed to the bedrock Republican principles of cutting taxes, reducing the size of the Government, and slaying the budget deficit leviathan.

And to these seemingly insurmountable goals, he brought a relentless yet cheerful determination.

He has served this Nation and the people of Oklahoma so very well, with distinction and unwavering courage.

Too often, public servants come to Washington to drain the swamp until they see it as a hot tub. Not DON NICKLES. He changed Washington rather than letting Washington change him.

When he came to the Senate, he wanted to rein in Government so people could keep their hard-earned dollars, and when he leaves now, his belief is the same today as it was when he placed his hand on the Bible.

That is the way it was then and now, and every day of his almost quarter of a century of Senate service. And he still looks like he is 31.

Back then, he fought to eliminate the inheritance tax on spouses and now he works to eliminate the inheritance tax altogether.

Back then he fought natural gas price controls which contributed to our energy crisis and now he fights price controls on prescription drugs.

Back then he fought the windfall profits tax and now he fights to ease the tax on profits and wages of businesses and families alike.

Mr. President, there isn't a Member of this body who doesn't respect DON NICKLES as a man of strong conviction, character, and deep faith.

I think there is good reason why he is seen that way. When the Founding Fathers designed the Senate to be one of the central pillars of American democracy, I think DON NICKLES is exactly the sort of citizen legislator they envisioned.

He has been a strong but happy warrior, and used the rules of this body to bring honor to the Senate and good service to our country. He loves the Senate and it showed every time he spoke. And we grew to love him in that process.

Through it all, he has never forgotten where he came from, or the people who put him here 24 years ago, or those who supported him, especially his wonderful wife, Linda and his four children.

He will be remembered as the ''keeper of the conservative flame,'' and like Ronald Reagan, should enjoy the legacy of freedom and economic prosperity he has created for all Americans in the years to come.

PETER FITZGERALD

Mr. President, I rise today to bid farewell to the Senator from Illinois.

PETER FITZGERALD came to the Senate 6 years ago already a champion. He was the first Republican to win a Senate seat in Illinois in 20 years. He was the only Republican challenger to defeat an incumbent nationwide that year. And upon his arrival 6 years ago, he was the youngest member of the U.S. Senate. So expectations for this new Senator were high.

Senator FITZGERALD exceeded those expectations. From the beginning, he fought to cut wasteful Government spending, fraud at the public till, and mismanagement of the people's money. He led the fight against the recent corporate scandals that damaged our economy.

Senator FITZGERALD has been a leader in bringing government into cyberspace by sponsoring successful bills to allow farmers to work with the Agriculture Department online. He has also been a champion for improving child nutrition, by making it possible for consumers to use food stamps to make purchases online. He has focused on consumer safety by requiring stricter standards for child car seats and car safety features.

Illinois, where Senator FITZGERALD was born and raised, is the State that

sent Abraham Lincoln to the White House. Abraham Lincoln was one of America's greatest Presidents, and the first President of the Republican Party. The great State of Illinois is known as ''The Land of Lincoln.''

But I am a little jealous of Illinois's claim on this great American. Abraham Lincoln was born in a log cabin in Hodgenville, KY, my home State, and we Kentuckians like to think of him as one of our own.

I have welcomed Senator FITZGERALD to my home State before, and he is welcome again in the Bluegrass State anytime, especially Hodgenville.

Senator FITZGERALD had a long career of public service even before joining this body, and I have no doubt he will continue to serve the people of Illinois when he returns to the Prairie State. Most of all, he will enjoy the company of his wife, Nina, and their young son, Jake.

Because Senator FITZGERALD is a passionate Chicago Cubs fan, I suspect Jake will be going to a lot more games. The Senate's loss is Jake's gain, and a gain for the Fitzgerald family and the people of Illinois. I thank the Senator from Illinois for his service to his State, the Land of Lincoln, and to the Nation.

BEN NIGHTHORSE CAMPBELL

Mr. President, I rise today to bid farewell to the Olympian from Colorado.

Forty years ago, Senator BEN NIGHTHORSE CAMPBELL carried the American flag in the opening ceremonies of the Olympic Games in Tokyo, Japan. He was the captain of the U.S. judo team and already a Gold Medalist in the 1963 Pan-American Games. For most men, that would be accomplishment enough for a lifetime. But for BEN NIGHTHORSE CAMPBELL, it was only the beginning.

Every one of us who has been privileged to serve in the Senate knows that we will never again see anyone quite like BEN NIGHTHORSE CAMPBELL. He is probably the only Senator equally comfortable driving a truck or a Harley-Davidson motorcycle. He has been both a Democrat and a Republican, although he is now a Republican, and I remind the President that wisdom blooms with age.

In 1995, Senator CAMPBELL heroically subdued and handcuffed a man who had assaulted the late Senator Strom Thurmond in the Capitol subway. I suspect many Senators became a little more inclined to vote for his amendments after that.

Senator CAMPBELL has consistently fought to reduce the burden the Federal Government places on American families by cutting taxes and spending. Hailing from the home of the Rocky Mountains, he has led the Republican Party in preserving our environment. He was instrumental in establishing the National Museum of the American Indian on the National Mall, which opened this fall. He is the only Native-American Indian Senator currently serving, and only the eighth in the history of Congress.

And the Senate is not the only exclusive club in which he claims membership. He also is on the Council of 44 Chiefs for the Northern Cheyenne Tribe of Lame Deer, Montana.

Senator CAMPBELL is an honest, straightforward man who likes simple pleasures. He served his country with the U.S. Air Force in the Korean War. He and his wife of over 35 years, Linda, have two children and three grandchildren.

He has designed award-winning jewelry and trained champion quarter horses. And being from Kentucky, the horse capital of the world, he has my special appreciation for that. I have welcomed him to my home State before, and he is welcome again in the Bluegrass State anytime.

In 2001, Senator CAMPBELL rode a motorcycle specially designed in red, white, and blue in the Inaugural Parade. I, for one, would not be surprised to see him ride that bike all the way from here to his hometown of Ignacio, CO, now that his 12 years with us draws to a close. It has been an honor to share this Chamber with him, and I salute his service, tenacity, and integrity.

But most of all I salute his courage. He stood tall as one of 100, and he stood just as tall alone.

ERNEST HOLLINGS

Mr. CONRAD. Mr. President, for the past 38 years, Senator HOLLINGS has served the state of South Carolina in the U.S. Senate with honor, grace, and, most famously, a fiery wit. It is an understatement to say that the Senate will not be the same without him. During his 38-year career, he has been an outspoken champion of fiscal discipline, an early proponent of maintaining Social Security solvency, and a fighter against trade agreements that put the domestic textile industry at an unfair disadvantage.

I will particularly miss Senator HOLLINGS whenever I attend meetings of the Budget Committee. Senator HOLLINGS is the only serving Senator who has served on the Senate Budget Committee since it was created in 1974. As the last of the original members of the, committee, his institutional knowledge and passion for fiscal discipline will be missed.

Budget issues have always been a passion of Senator HOLLINGS, and he shares my penchant for using charts to prove a point. Senator HOLLINGS' favorite chart shows gross debt, and I am sure he will be taking it with him when he leaves. Senator HOLLINGS was tireless in his efforts to educate his Senate colleagues and the public on the dangers of gross Federal debt and the need to use honest numbers in describing our budget outlook. His dedication to bringing truth to budgeting was unsurpassed.

Senator HOLLINGS also relentlessly defended Section 13301 of the Omnibus Budget Reconciliation Act of 1990—requiring official budget numbers to exclude Social Security. As a number of OMB and CBO Directors came to discover, Senator HOLLINGS was not one to sit quietly through a Budget Committee hearing while they attempted to obscure deficit figures by including Social Security revenues in their budget calculations.

Perhaps most of all, Senator HOLLINGS will be remembered for his efforts to protect Social Security, long before protection of this entitlement became fashionable. As we move into a new debate over the future of this vital program, the Nation will surely regret that we did not earlier pay heed to his warnings to prepare for the baby boom retirement by paying down Federal debt. Senator HOLLINGS will be missed in the coming discussion over Social Security, but I am sure he'll make his views well known with his uncanny ability to describe complex issues in simple and straightforward terms.

Finally, I will remember Senator HOLLINGS for his fierce criticism of trade agreements that threatened the textile and agricultural sectors of South Carolina. He spoke out against GATT and NAFTA, and continued to fight for fair trade throughout his service. His strong opposition to unfair trade agreements will be sorely missed by the workers and farmers for whom he fought.

Given his long history in the Senate, and his penchant for speaking out with a cutting wit on important issues, I know that Senator HOLLINGS will continue to fight for the causes in which he believes. However, his individuality, his respect for learning the complexities of issues, and his dedication to South Carolina and the U.S. will be missed in the Senate. I wish him well as he heads home to Charleston, and thank him for his many years of hard work.

JOHN BREAUX

Mr. President, the State of Louisiana has grown accustomed to sending its Senators to Washington and keeping them there for a long time. By the standards of his illustrious State colleagues like Allen Ellender, Russell Long, and Bennett Johnston, some might think Senator BREAUX is making an early exit after only three terms. However, add in the 14 years that he represented his States's 7th Congressional district in the House of Representatives and that comes to 32 years of Congressional service for the people of Louisiana.

During a period when it has become increasingly difficult to work across party lines, I admire Senator BREAUX's determination to continue pursuing bipartisan efforts. He has a genuine respect for the Senatorial traditions that can still help this body reach consensus, even on difficult issues.

Since I became a member of the Finance Committee in 1993, the gentleman seated to my left has been JOHN BREAUX. I know firsthand his commitment to the Social Security and Medicare programs and how deeply he cares

about their long-term stability. He also made effective use of his position as chairman and ranking member of the Special Committee on Aging to highlight the importance of these programs to seniors both today and in the years to come.

Just over a decade ago, Senator BREAUX was one of a handful of moderates who came together to seek a bipartisan approach to health care reform. When the budget process stalemated a few years later, Senator BREAUX went to our late colleague, Senator JOHN CHAFEE, to develop a centrist approach to fiscal discipline. As a founding member of what came to be called the Chafee-Breaux group, I saw how Senator BREAUX worked to expand participation and come up with compromises on the key sticking points of tax and entitlement policies. In 1996, we put forward an alternative budget that got 46 votes despite the active opposition of both the Democratic and Republican leadership. This effort directly laid the groundwork for the 1997 Balanced Budget Act, which put us on the track to balance the moral budget in fiscal year 1998 for the first time since fiscal year 1969.

Senator BREAUX put the same energy into Medicare reform. He refused to be discouraged by the slings and arrows of partisans on both sides who complained that his approach did not sufficiently adhere to either side's vision of ideological purity. His tireless efforts paid off last year when Congress adopted the most far-reaching changes to the Medicare since its inception. Due in large part to the efforts of Senator BREAUX, Medicare for the first time will provide prescription drug coverage to our seniors.

I also had the privilege of working closely with Senator BREAUX on the Finance Committee to protect the interests of our highly efficient sugar industry. As co-chair of the Senate sweetener caucus, Senator BREAUX was a zealous advocate for the Louisiana sugar cane industry. We joined together to fight misguided provisions of the NAFTA that would have threatened the U.S. sugar industry and succeeded in getting the Clinton administration to renegotiate this part of the agreement. More recently, Senator BREAUX has taken a lead role in opposing the Bush administration's efforts to trade away the future of our sugar industry in ongoing trade negotiations with Central America, Australia, and other countries.

Senator BREAUX already has one lasting legacy firmly in place as one of the creators of the Wallop-Breaux Aquatic Resources Trust Fund. This far-sighted and innovative idea resulted in a funding mechanism for programs to promote recreational boating safety and sport fish restoration by using proceeds from the excise taxes on motorboat fuel and fishing equipment, along with duties on related imported goods. The beneficiaries are the more than 70 million recreational boaters and sport fishing enthusiasts across the country.

I doubt that Senator BREAUX will be out of the public policy business for long. Someone with his experience and ideas will be a valuable asset wherever he decides to go after leaving the Senate. We will miss him as a colleague, but I would not be surprised to see our friend JOHN BREAUX back here often.

BEN NIGHTHORSE CAMPBELL

Mr. President, I rise today to pay tribute to my colleague and friend Senator Ben Nighthorse CAMPBELL.

Since his election to the Senate in 1992, Senator CAMPBELL has been the only Native American in this body and only the eighth to serve in Congress. Senator CAMPBELL's road to the Congress took many interesting turns—a truck driver, veteran, athlete, jewelry designer, and trainer. He served honorably in the Air Force during the Korean War. He represented the United States as captain of the 1964 U.S. Olympic Judo Team. Later, he built a successful jewelry business as well as bred and trained quarter horses.

During our time in the Senate, I have come to know Senator CAMPBELL best as a fellow member of the Committee on Indian Affairs. Senator CAMPBELL has served as Chairman and Ranking Member of that committee since 1997. In that capacity, he proved to be an outspoken leader and tireless advocate for all Native Americans. He invested the time to learn about the diverse interests impacting tribes across the country and worked across party lines to develop workable solutions to those problems.

Senator CAMPBELL often focused on developing and refining Federal programs that would provide a hand-up and build reservation economies to help make sure all Native Americans share in the prosperity other Americans have seen. He was also instrumental in securing a National Museum for American Indians, an effort that started more than 15 years ago and culminated with a museum opening this September along the National Mall.

I particularly appreciated Senator CAMPBELL's role in helping the tribes in North Dakota make sure the, Federal Government fulfilled its longstanding commitment to compensate them for the infrastructure lost due to the construction of the Missouri River dams. Senator CAMPBELL has helped me shepherd legislation through Congress that would fulfill one of these vital promises to the Three Affiliated Tribes, the replacement of its hospital. I truly appreciated his support.

Senator CAMPBELL has been a true champion for Native Americans. His compassion and conviction will be missed in the U.S. Senate.

BOB GRAHAM

Mr. FEINGOLD. Mr. President, today I want to pay tribute to Senator BOB GRAHAM, a man who has served in the U.S. Senate with great distinction for the last 18 years. The people of Florida have been fortunate to be represented by a man who is as thoughtful, as tough-minded and as independent as BOB GRAHAM.

When I first came to the Senate, I was proud to work with Senator GRAHAM to bring the deficit under control. Senator GRAHAM was a leader for fiscal responsibility in the Senate, and he helped to focus our efforts to cut wasteful spending and institute budget reforms that brought the deficit under control, and ultimately created a budget surplus. His leadership will certainly be missed in this area in the next Congress, as we must come to terms with the largest deficit in our Nation's history.

Senator GRAHAM was also a voice for fiscal sanity on the Finance Committee, a committee that in recent years has too often promoted policies that have deepened our fiscal problems. It isn't easy to go against your colleagues, whether in a committee or in a caucus, to stand up for what you believe is right. But that's exactly what BOB GRAHAM has done throughout his time in the Senate, and I greatly admire him for it.

His independence has also extended to his work in the fight against terrorism, where he has been an unyielding voice for a stronger, more focused war on terror, and I thank him for his outspoken leadership on this critically important issue.

Here in the Senate, we will miss BOB GRAHAM's thoughtful leadership, his unfailing civility, and his unstinting friendship. I thank him for his service to the State of Florida and to this country, and wish him all the best in his retirement.

DON NICKLES

Mr. COCHRAN. Mr. President, the decision of the distinguished Senator from Oklahoma, Mr. NICKLES, to retire from the Senate will deprive this body of one of our most trusted and insightful leaders. I will miss very much the pleasure of serving with such an honest, forthright, and diligent colleague.

He brought to the Senate the valuable experience of running a family business which was translated through the use of his legislative skills into public policies that strengthened our economy by improving our tax and labor relations laws.

As chairman of the Budget Committee he was successful in his efforts to curb unnecessary spending. He was fairminded in his dealings with Senators on both sides of the aisle.

He was a true friend to me in the Senate and a great help as a coach on the golf course. I wish him and his wife, Linda, much happiness and success in the years ahead.

BEN NIGHTHORSE CAMPBELL

Mr. President, I regret that my friend from Colorado, Mr. CAMPBELL, is retiring from the Senate. He and his wife, Linda, have become good friends who will be truly missed.

I enjoyed serving for a few years on the Committee on Indian Affairs with him, and I have had the pleasure of traveling with him on official business of the Appropriations Committee.

His service in the Senate has been exemplary. He has taken his responsibilities seriously, and he has reflected credit on his State.

I did worry about his motorcycle riding. But it was an asset when the new King of Jordan visited the Senate and asked to go for a ride.

I hope we will continue to look to Senator CAMPBELL for advice and counsel in the years ahead, especially on the finer points of self defense as an Olympic Gold Medal winner in judo.

ZELL MILLER

Mr. President, as I think about the retirement of our colleague from Georgia, Mr. MILLER I am reminded of the song, ''Johnny, I Hardly Knew You.''

It doesn't seem very long ago since I heard his maiden speech. He said in a strong voice that he had not come to the Senate to represent a political party but rather he was here to represent the interests of the people of Georgia. He has proven to be a man of his word. He has demonstrated great courage and much conviction as he has carried out his promise to the Senate and to the people he has represented and voted for here in the Senate.

I have observed closely his work in the Agriculture Committee where he has been a very thoughtful and effective voice for his State and our Nation.

His well-reasoned and well-informed method of approaching all the issues that come before the Senate is very impressive. He is serious minded about his responsibilities, and he works very hard to be an effective force for solving the problems that face our country.

If more public servants had the character and the commitment to doing the right thing, whatever the consequences as ZELL MILLER does, our destiny would be assured.

JOHN BREAUX

Mr. President, it is hard to believe that my good friend from Louisiana, JOHN BREAUX, is retiring from the Senate. We served in the other body together when we were very young, and we have been friends ever since, even though he almost always beat me on the tennis court.

JOHN BREAUX always took his responsibilities in the House and in the Senate very seriously but he was always humble and courteous to his colleagues. His pleasant manner, his quick wit, and his diligence were great assets which he has used over the years to fashion an impressive legislative record.

His service in the Senate has been truly outstanding. I will miss him greatly. I wish for him and his wife, Lois, much happiness and satisfaction in the years ahead.

FRITZ HOLLINGS

Mr. President, the retirement of our colleague from South Carolina, Mr. HOLLINGS signals the end of an era in Southern politics. He succeeded as few in our section of the country did in leading us through a troubled time of transition. From segregation to integration in our public schools, and from an agrarian economy to a more modern and diversified industrial economy, he led with political courage and keen insight about what was right and what was wrong, and what was hopeless and what was possible.

I have always admired FRITZ HOLLINGS because he acted on his convictions. But, he was not a gadfly. His efforts to enact new budget rules under the Gramm-Rudman-Hollings bill were an example of his effective leadership to impose restraints on Federal spending.

He was an effective leader on the Budget Committee, the Appropriations Committee, and the Commerce Committee in a wide range of issues including national defense, trade, communications, ocean policy, budget policy, education, and foreign relations.

I always enjoyed hearing FRITZ tell stories about his fellow Southern Governors. He will be missed for many reasons, but especially for always being himself, without pretense or apology.

TOM DASCHLE

Mr. President, I congratulate the distinguished Senator from South Dakota, Mr. DASCHLE, on his remarkable career in the U.S. Senate.

Soon after he was elected to the Senate, in 1986, my wife, Rose, and I had the pleasure of taking a trip to Russia with Tom and his wife, Linda. We thoroughly enjoyed their company; and, in spite of the difference in party affiliation, I have had a feeling of respect and appreciation for the Democratic leader ever since.

We have served together on the Agriculture Committee and worked to help farmers solve their problems. I have admired his dedication to the Senate and his intensity of motivation as the opposition leader. He has been a very effective leader, and I wish him and Linda much happiness and satisfaction in the years ahead.

PETER FITZGERALD

Mrs. DOLE. Mr. President, It truly has been a privilege to serve in the Senate with my good friend PETER FITZGERALD. As many Illinois newspapers wrote when PETER announced he would not seek re-election, his decision to retire from the U.S. Senate is a true loss for the people of Illinois. I could not agree more.

In the 1998 race for his Senate seat, PETER proved himself to be an exceptional campaigner, defeating a well-known incumbent in a State that had not elected a Republican in 20 years. And in that year, he was the only Republican challenger in the country to defeat an incumbent Democratic Senator. But PETER's vision, message and leadership resonated with Illinoisans, and they elected him by a 6 point margin.

Arriving in Washington as the youngest member of the Senate, PETER hit the ground running as a strong voice for Illinois. He has been a steadfast advocate for taxpayers, consistently backing efforts to cut wasteful spending and reduce taxes. And he has been a proponent for consumer safety issues, focusing on areas such as improving car safety and child booster seats.

I have the utmost respect for PETER. His courage and determination, even when faced with a daunting challenge, are remarkable. He has gone up against unscrupulous corporations and political corruption. He has had significant roles in investigating corporate accounting fraud, and PETER also has fought political corruption across party lines, leading the Chicago Tribune conclude that ''no one person has done more for political reform in Illinois than PETER FITZGERALD.''

I have been privileged to serve alongside PETER on the Senate Agriculture committee, working together on issues important to our strong agriculture States. As an advocate for increasing hunger awareness myself, I admire his work to make food stamp benefits for low-income families more easily accessible, including making program benefits available over the Internet.

PETER and I share many similar views, but what is not widely known is that we look for the same qualities in our extraordinary staff members. In fact, managing the Fitzgerald office is chief of staff Greg Gross. Greg is a very talented member of his team, and I can attest to this because Greg also did such good work with me at the American Red Cross. I thank Greg for all his counsel during my first 2 years in the Senate.

It is widely known that PETER FITZGERALD is a principled and independent leader. He has time after time proven that he will go against the flow, go against what is popular, because he is loyal to his own ideals and doing what he believes is right for the people and families he represents. PETER is a refreshing elected official; a devoted family man to his wife Nina and son Jake; and a diligent public servant. It goes without saying, people in Washington and people in Illinois will sorely miss Senator PETER FITZGERALD.

TOM DASCHLE

Mr. FEINGOLD. Mr. President, I am pleased to pay tribute to Senator TOM DASCHLE, who has served South Dakota, and the Senate, with dignity and devotion during his tenure in this body.

I am proud to have worked with him on a wide range of issues over the years, but perhaps most of all I thank him for his work and leadership to reform the U.S. Army Corps of Engineers. This is a fight that will go forward in the next Congress, where we will build on Senator DASCHLE's hard work and commitment to this important issue.

I also want to take a moment to recognize Senator DASCHLE's leadership, as both majority and minority leader, here in the Senate. He has led the Democratic caucus, and the Senate as a whole, through a time of great change and many difficult challenges: through a closely divided Senate,

through the tragedy of 9/11, and through the anthrax attack on the Senate, which so personally affected both of our offices. Through all of this, Senator DASCHLE has inspired us with his dedication and ability to work through tough problems, to guide the policies of our party, and to provide steady leadership when we needed it most.

Finally, I also want to extend my thanks to many of Senator DASCHLE's staff, who were especially helpful to my office over the past 12 years, and in particular, were so thoughtful and generous with their time in the wake of the anthrax attack on our offices. It is often the case that a Senator's staff reflect the personality of the Senator for whom they work, and I believe that is certainly the case with Senator DASCHLE and his staff.

I thank TOM DASCHLE for his leadership and his service to South Dakota and our country, and I wish him all the best as he moves on to begin a new chapter in his distinguished career.

PETER FITZGERALD

Mr. President, today I take a moment to recognize the contributions that Senator PETER FITZGERALD has made to this Senate, to the State of Illinois, and to the Nation.

As a fellow Midwesterner, I have always appreciated Senator FITZGERALD's honest and fair-minded approach to the issues. From the moment he arrived here in the Senate, it was clear that he would keep his own counsel, doing what he thought was best for the people Illinois without regard to powerful interests on either side of the aisle.

Above all else, I appreciate Senator FITZGERALD's unfailing commitment to reforming our campaign finance system. He was among that steadfast group of Republican senators who stood firm in their support of the McCain-Feingold bill, despite enormous pressure to do otherwise. His support of our bill took a great deal of personal and political courage, and it is something that I truly admire, and for which I will always been grateful.

As he moves on from the Senate, Senator FITZGERALD can be assured that his friends and colleagues here will long remember the contributions he made, and the dignity with which he served. I wish him all the best as he moves on to a new phase of his career.

DON NICKLES

Mr. SMITH. Mr. President, I am reminded of the words of Will Rogers, that great Oklahoman whose statue is a few steps removed from the old Senate chamber, who once said, ''The income tax system is the only thing that has made a liar out of more of the American people than golf has.''

Coincidentally, the tax system and golf are passions of another great Oklahoman who I am proud to honor at the end of this Congress—our friend and colleague DON NICKLES.

DON has accomplished a great deal during his 24 years in the Senate. Chief among them is the fact that he somehow has managed to look almost exactly like he did when he first entered the Senate at the ripe old age of 32 in 1981.

But the accomplishment of DON that I admire the most is remarkable record of success he has achieved in putting more money in the pockets of America's families by reducing their taxes and by restoring some fairness to the system.

To paraphrase Will Rogers, DON never met a tax he liked. And from reducing and then repealing the death tax to equalizing the tax system for the self-employed to being the guiding force behind the child tax credit, lowering the capital gains tax, and reducing tax rates for all Americans, no Senator has done more in the past 20 years to earn the enduring respect of our hard working taxpayers than DON NICKLES.

DON will be greatly missed as a legislator, but he will also be greatly missed as a friend. I have long believed that you can learn a lot about someone by playing golf with them, and I've been privileged during my 8 years in the Senate to play a little bit of golf with DON.

And it should come as no surprise that his actions on the golf course are very much like his actions in the Senate.

He is good, very good, at both.

And yes, there are times on the golf course like here in the Senate where he can be found on the right, the far right, but for the most part he plays it straight down the middle.

It is on the golf course where DON and I became more than colleagues, we became friends. And I know I am not alone in saying that I will miss DON's friendship, and the friendship of his wife Linda, on a day-to-day basis. When tragedy befell my family last year, DON was at my house within the hour. DON and Linda have been incredibly kind and supportive to Sharon and me.

DON, as a taxpayer I thank you for your service, as a golfer I thank you for more good memories than I can count, and as a friend, I thank you for being there when I needed you most.

I know your contributions to your state and your country are far from complete, and all your colleagues join with me in wishing you and Linda Godspeed as you begin this new chapter in your life.

TOM DASCHLE

Mr. KOHL. Mr. President, I honor the long and dedicated service that TOM DASCHLE has given to our country. He has been a true leader throughout his life in public service, and South Dakota and the entire Nation are better off because of his efforts.

For 29 years, South Dakota has been fortunate to have TOM DASCHLE represent their interests—first as a Senate staffer, then as a Member of the House of Representatives, and finally as a United States Senator. He has worked tirelessly to make sure that the people of South Dakota have a strong economy, access to quality, affordable health care, and the highest quality education system. He has worked with unfailing determination to enchance the quality of life in rural communities across South Dakota and the Nation. Throughout his service, TOM has always kept the interests of his State and his constituents as his top priority.

TOM DASCHLE has been a wonderful leader for South Dakota, for the Democratic party, and for all Americans. I deeply respect and applaud his lifelong commitment to public service, and his leadership and his friendship will be missed by many in the Senate. I know he moves on to the next phase of his career as a happy and wise man who will continue to make important contributions to our country long after he leaves the Senate. He is a true patriot who has always served and will always serve his country. I want to thank TOM for his dedication and his service, and I wish him the very best in his future endeavors.

TOM DASCHLE

Mr. HARKIN. Mr. President, in these final working days of the 108th Congress, we are saying farewell to a number of retiring colleagues. A most painful farewell will be to my friend Senator TOM DASCHLE.

These days, there are fewer and fewer bipartisan agreements in this body. But there is bipartisan agreement about the senior Senator from South Dakota. We respect his decency, his fairness, his courage, his leadership, and, of course, his extraordinary capacity for hard work.

I cannot imagine a more difficult job in the Senate than being leader of the Democratic caucus. We've all heard Will Rogers's quip that he belonged to no organized party, he was a Democrat. Well, those independent, hardheaded habits flourish within our caucus. But, for the last decade, TOM DASCHLE's amazing skills and unlimited patience have brought us together as a team. And that is an accomplishment he can be very proud of.

The President of the United States has the persuasion of power. The leader of the Senate's Democratic caucus has only the power of persuasion. And I can't imagine anyone more persuasive than TOM DASCHLE. He has always been willing to talk with us, to accommodate us whenever possible, and to do whatever it takes to forge a consensus and move us forward. I am grateful for his leadership, and for the diligence and race that he has unfailingly brought to his job as leader.

I cannot emphasize too much TOM DASCHLE's sense of fairness as leader. He has been unfailingly fair to others. And he has demanded fair treatment in return. When Democrats were in the majority, majority leader DASCHLE was respectful of the rights and prerogatives of the Republican minority. Conversely, as minority leader, he has

steadfastly defended the rights and prerogatives of the Democratic minority.

In the heat of a partisan campaign, some have tried to label this obstructionism. But that characterization is incorrect. The duty of the opposition party is to oppose, and to do so fairly, forthrightly, and within the rules of the Senate—to protect the rights of the minority. That is exactly what Senator DASCHLE has done—with great skill and persistence.

I also have enormous respect for the way Senator DASCHLE has advocated for his constituents back home in South Dakota. No one has fought harder for the revitalization of rural America than TOM DASCHLE. No one has fought harder to bring health care, good schools, and economic opportunity to Indian County. No one has fought harder to increase the income level of family farmers, and to give them a fair shake in the marketplace.

Another jewel in the crown of TOM DASCHLE's legacy is the emerging ethanol industry in the United States. Since TOM arrived in Congress in 1978, he has been a relentless champion of ethanol. I know because I was there, too, during those early years. People said that those of us who were advocating the expanded use of ethanol didn't have a chance against big oil. But Senator DASCHLE used the 1990 Clean Air Act to put in place policies that spurred the ethanol industry. And he has continued to promote tax incentives and a renewable fuel standard to advance ethanol and to move our country in the direction of energy independence. So, no doubt about it, Senator DASCHLE's leadership on ethanol will be greatly missed.

It has been a privilege to serve in this body with Senator TOM DASCHLE. I will miss him as a colleague. Most of all, I will miss him as a friend. The good news is that there are important chapters yet to be written in the life of TOM DASCHLE. I wish TOM and his wonderful wife Linda the very best in the years ahead.

JOHN EDWARDS

Mr. President, I rise to express my respect and admiration for the retiring senior Senator from North Carolina, JOHN EDWARDS.

We will miss his uniquely skillful and persuasive voice in debates here on the Senate floor. Time and again, we have seen his knack for taking complex arguments and making them accessible and persuasive to ordinary people. Time and again, his skills have carried the day. So I fully understand the advice of one of our Republican colleagues: ''Never yield the floor to JOHN EDWARDS.''

Over the last year and a half, people in my state of Iowa have gotten to know JOHN and his wonderful wife Elizabeth very, very well. JOHN has been in every one of Iowa's 99 counties. He's been in our schools, in our coffee shops, in our living rooms. In fact, if it weren't for that Southern accent, Iowans would think JOHN was one of us. We Democrats are proud of his race for the nomination and his conduct as VP nominee.

He always comes across as ''just folks''—which is what you'd expect from a person raised in very modest circumstances, the first in his family to go to college. This humble background is an enormous strength for JOHN EDWARDS. It's a strength we saw last night. It allows him to understand people. It also allows him to communicate powerfully with ordinary people. And people respond in kind. They just plain like JOHN EDWARDS. People trust him.

But if Iowans and other Americans see a ''just folks'' JOHN EDWARDS on the campaign trail, Senators have been privileged to see a different side of him, hard at work in this body. JOHN has been in the Senate for only one term. But he has made his mark.

He made his mark by challenging an incumbent Senator and singlehandedly taking on the Jesse Helms machine in North Carolina—and beating it.

He made his mark as a lead cosponsor of the Patients' Bill of Rights in the Senate, along with Senators KENNEDY and MCCAIN. JOHN managed the bill on the floor. And he was the lead negotiator in hammering out a bipartisan consensus on the bill.

He made his mark by sponsoring—and passionately advocating for—a bill to speed up approval of generic drugs.

And, in my State of Iowa, JOHN EDWARDS made his mark—and won people's hearts—with his big smile, his friendly manner, and his boundless optimism. At the same time, he won our respect with a campaign that was always positive. Even under provocation, even when the stakes were highest in the final weeks of the campaign leading up to the caucuses, JOHN never wavered from his positive message of hope and opportunity for ''ordinary'' Americans.

So here at the end of this 108th Congress, we say farewell to Senator JOHN EDWARDS. But, clearly, we have not seen the last of this remarkably able person. I wish JOHN the very best. And, of course, we all pray for the full recovery of Elizabeth. We will miss them both here in Washington, but our friendship will continue.

Ms. STABENOW. Mr. President, I rise to pay tribute to some of my colleagues who will be leaving the Senate at the end of this session.

TOM DASCHLE

I particularly want to pay tribute to a great Senator, someone who I am proud to call a friend, our leader, TOM DASCHLE.

Senator DASCHLE is truly one of the giants in the history of the United States Senate and it has been a privilege to serve with him for the last 4 years.

TOM DASCHLE has given his entire life to public service. After serving in the Air Force, he came to Washington to work for South Dakota Senator James Abourezk. A few years later, he won election to the House and later won three terms in the Senate.

Senator DASCHLE has been through some tough elections and tough battles on the floor of this Senate. But he has always conducted himself with grace, integrity and respect for his opponents. He has been a leader in the Senate on health care, veterans' benefits, ethanol, agriculture and rural development and has fought hard for the people of South Dakota.

He is known all over South Dakota for his down-to-earth manner and the personal relationships he has with his constituents.

Every year, TOM DASCHLE would go on a driving tour of all 66 counties in South Dakota, stopping in at diners, bowling allies, Elks clubs and feed stores. He would talk to his constituents on a one-on-one basis and really feel the pulse of different communities.

Therefore, when he debated an issue here on the Senate floor, he knew firsthand what his constituents thought. He represented them so well, the way our founding fathers would have envisioned a model Senator.

He was also a great leader. He worked with all members of our caucus and did the hard work to develop a consensus on many difficult issues. And he was always willing to listen.

TOM DASCHLE would work across the aisle to get things done for his State and the country. I remember how he rose to the occasion after September 11th and worked hand-in-hand with President Bush to protect our country, rebuild New York and keep the airlines from going bankrupt.

If you were trying to get something done here in the Senate, you always wanted TOM DASCHLE on your side.

FRITZ HOLLINGS

The Senate is also losing a legend with the retirement of Senator FRITZ HOLLINGS. For 38 years, he has fought for South Carolina, bringing home jobs and economic development, and he has made a lasting impression on the lives of Americans across this country.

Senator HOLLINGS helped start the Women Infants Children-WIC program, one of the most successful Government health care measures ever undertaken, helping reduce infant mortality, low birth weights, and premature births nationwide.

He is the father of the National Oceanic and Atmospheric Administration—NOAA. Senator HOLLINGS pushed through the legislation that created NOAA during his very first term as a Senator.

And he co-authored Gramm-Rudman-Hollings, the landmark legislation that broke budget gridlock in the mid-80s. By making automatic spending cuts, it reversed 20 years of increased Federal spending and cut tens of billions from the budget deficit.

Senator HOLLINGS strong leadership and sense of humor will be deeply missed in this chamber.

BOB GRAHAM

We will also miss the leadership and service of Senator BOB GRAHAM.

Senator GRAHAM has dedicated his life to public service, serving in the Florida State house and State senate, and as Governor of Florida before his 18 years here in the U.S. Senate.

Senator GRAHAM and I share a passion for healthcare. And he has been a tireless advocate and leader on the need for a prescription drug benefit for America's seniors.

As founder of the New Senate Democrats, Senator GRAHAM has worked to bring together coalitions on issues ranging from education to the national debt and fiscal responsibility.

JOHN BREAUX

The Senate will be saying goodbye to another great centrist, Senator JOHN BREAUX. Senator BREAUX has a well-earned reputation on the Hill of being able to bring both sides together and forge bipartisan compromises.

In a time of blue States and red States, Senator BREAUX has been a leader in bringing Americans together in the mainstream middle, instead of dividing Americans with the ideological extremism.

JOHN EDWARDS

And finally, Mr. President, the Senate is also losing a champion for America's working families with the retirement of Senator JOHN EDWARDS. Senator EDWARDS is the embodiment of the American dream.

Raised in a small town in North Carolina by hard-working parents—his father was textile mill worker for 36 years—Senator EDWARDS learned the real American values of getting a good education, of hard work, fairness and playing by rules.

He was the first member of his family to go to college. And after graduating from law school, he fought for the values his parents taught him and by working for justice on behalf of those who couldn't fight for themselves—working families and their children who were seriously injured by irresponsible corporate actions.

I was proud to work with Senator EDWARDS on the Patients' Bill of Rights where he brought that same passion to help working families by ensuring that doctors and not HMOs make our medical decisions.

I know Senator EDWARDS will continue to fight for working families and be a national leader on these important issues.

I also want to wish his wife Elizabeth the best at this difficult time. She is a strong, amazing woman and a fighter like her husband, and the entire Edwards family is in my thoughts and prayers.

I am proud to have served with these great Senators and I know that they will be remembered long after the tribute speeches are given and the farewell parties end, because of their leadership, their compassion, and their hard work on behalf of all Americans.

I yield the floor.

Mr. DOMENICI. Mr. President, I rise today to take this opportunity to honor our departing colleagues who are leaving the Senate. Almost each new Congress a different group of 100 men and women come together from different backgrounds and political philosophies, representing different interests and constituencies, but through all our differences, we develop respect and admiration for each other. Many times we step across the aisle and work together on legislation and often times genuine friendships are created. As I pay tribute to these departing Senators, whether they have been here 1 term or 7, they are a remarkable group and we thank them for their honorable service.

BEN CAMPBELL

BEN NIGHTHORSE CAMPBELL has been more than just a neighbor Senator from out west, but a close friend and colleague.

I have worked with Senator CAMPBELL on the Senate Appropriations Committee, the Energy and Natural Resources Committee and the Indian Affairs Committee. During his 18 years in the United States Congress, Senator CAMPBELL has earned the respect of members on both sides of the aisle as being a statesman and staunch advocate for the State of Colorado. In addition, he is the sole American Indian serving in the Senate, and he is also a Northern Cheyenne tribal chief. His work on behalf of tribes is legendary, and I know he will be sorely missed by the American Indian people.

Senator CAMPBELL has been a recognized leader on public land and natural resource policy. Since New Mexico and Colorado face similar challenges, we have worked closely on these matters, and it has been a privilege to work with someone so passionate about improving land management policies.

Senator CAMPBELL is a veteran, Olympian, and public servant, and he has selflessly devoted himself to serving his State and country for over half a century. Senator CAMPBELL is a unique individual who I call a friend. His love of nature, his family and his roots is continually evident. As a father, grandfather, and Senator, I know that Senator NIGHTHORSE CAMPBELL and his loved ones will be glad to have more time for family activities.

He proudly represented Colorado and its people. His leadership and presence will be greatly missed by all. I wish him the best of luck in all of his future endeavors.

JOHN BREAUX

JOHN BREAUX is retiring after serving 3 terms in the Senate. I would like to take this time to acknowledge a friend, colleague, and dedicated public servant.

Senator BREAUX was elected to the House of Representatives in 1972 at the age of 28, and at that time, he was the youngest member of Congress. After serving 14 years in the House, the people of Louisiana elected JOHN BREAUX to the Senate in 1986.

I have had the pleasure of working closely with Senator BREAUX on many energy matters over the years. During this time, I have admired his ability to find common ground between those who hold disparate views. His uncanny ability to bring industry leaders, policy makers, and administration leaders together is unique, and I will always appreciate his candor in resolving energy policy differences. JOHN was always someone I could reach across the aisle to work with on the Budget Resolutions.

It is well known that Senator BREAUX is passionate about improving health care for all Americans. He worked tirelessly on welfare and health care issues, and took an active interest in the elderly as a member of the Finance Committee and a leader of the Special Committee on Aging, just last year he played an integral part in drafting the Medicare Prescription Drug and Modernization Act of 2003. This historic legislation will provide relief to the millions of people struggling to pay for prescription drugs and he should be honored for his dedication to this bill.

Senator BREAUX's work has touched the lives of a great many Americans, and his talents and unrivaled sense of humor will be sorely missed in the Senate. Just as importantly, he has been a great advocate for his home State of Louisiana, and his State has been lucky to have his service for so many years.

In the course of working together for so many years, I have developed genuine respect for Senator BREAUX. I thank him for years of distinguished service, and wish him the very best in all his future undertakings. I will miss Senator JOHN BREAUX.

ZELL MILLER

I wish to take this time to honor a great senator and a true American patriot, ZELL MILLER. He is a man who has served Georgia with dignity and honor these past 4 years in the United States Senate.

ZELL MILLER embraced public service early on in his life. His mother served as one of Georgia's first female mayors. She taught him early on about public service and a strong work ethic, which he has exemplified throughout his career.

In the late 1950s, ZELL MILLER served as mayor of his hometown of Young Harris, GA. He then went on to serve as a State Senator, Lieutenant Governor, and eventually served in the highest power in the state of Georgia as Governor. Not surprisingly, ZELL MILLER was named by the Washington Post in 1998 as the most popular governor in America and the Governing Magazine named him Governor of the Year in 1998. These career paths finally led him to the United States Senate in 2000.

While ZELL MILLER was invested in politics, he was also dedicated to education and students. Throughout his career, ZELL MILLER was a professor of political science and history at the

Emory University, University of Georgia, and Young Harris College.

Senator MILLER has continuously reached across the aisle to work with Republicans, but it is probably best stated in his own words when he pointed out that while he is a lifelong Democrat, he pledged to serve all 8.5 million Georgians and no single party in the Senate. Through this approach, ZELL MILLER has been a supporter of a broad range of issues such as tax cuts, improving education, strengthening national security, and fighting the global war on terrorism. While in the Senate, he dutifully served on the Agriculture, Nutrition, and Forestry Committee, the Banking, Housing, and Urban Development Committee, and the Veterans' Affairs Committee.

His time here has been all too brief, but Senator MILLER has made a difference and I will miss him. While he may be leaving the U.S. Senate, I do not doubt that we have not heard the last of ZELL. I bid him farewell and extend my best wishes to him and his family.

TOM DASCHLE

I would like to pay tribute to a respected colleague who is leaving the Senate after a long and distinguished career. Senator TOM DASCHLE worked hard, for 8 years as a Member of the House of Representatives and for 18 years as a United States Senator, to represent the interests of voters across the State of South Dakota.

As the leader of his party for the past 10 years, Senator DASCHLE has proven himself to be a capable legislator and moreover, an advocate for his State's and party's interests. During the 108th Congress, Senator DASCHLE served on four committees: Agriculture, Nutrition, and Forestry, Finance, and Rules and Administration; and today he serves as the Senior Senator and the Democratic Leader of the Senate.

Influenced by his formative experiences during the Vietnam War as an intelligence officer in the Air Force, Senator DASCHLE worked hard to serve the interests of veterans across this great country. His most notable achievement in this field was the enactment of legislation securing benefits for those soldiers exposed to Agent Orange.

During his tenure, Senator DASCHLE also developed a reputation for being a shrewd legislator on issues related to agriculture and South Dakota's farming community. He was always apprised of even the most minute issues at stake and thus ensured that all of his constituents were represented at the negotiating table.

Senator DASCHLE fought tirelessly for his beliefs throughout his time in the Senate. I wish Senator DASCHLE and his family the very best in the years ahead.

BOB GRAHAM

I have a great affection for the departing Senator from Florida BOB GRAHAM. After 18 years of dedicated service to his country and to the people of Florida, all of us in this Chamber will certainly miss the Senator as he retires from elected office.

I had the pleasure of serving on the Energy and Natural Resources Committee with Senator GRAHAM during the past 9 years. During that time, I had the opportunity to work with Senator GRAHAM on a number of important issues. He proved to be a sound leader for his party and a member committed to bipartisan solutions.

Senator GRAHAM's brief tenure as Chairman of the Select Intelligence Committee, came during one of the most trying times our Nation has faced, the attack on our country by terrorists on September 11, 2001. Senator GRAHAM worked closely with his House counterpart, and current Director of Central Intelligence, Porter Goss to lead a joint Senate-House inquiry into the attacks on our nation.

Although he was first elected to the Senate in 1986, Senator GRAHAM has been serving the people of Florida since 1966 when he was first elected to that State's House of Representatives. After serving in the House for 4 years and in the State Senate for 8 years, Senator GRAHAM was elected the 38th Governor of the State of Florida.

In spite of these accomplishments, it is fair to say that Senator GRAHAM will perhaps be most memorable for instituting the ''Workdays'' he began in 1974 and continued during his time in the Senate. Senator GRAHAM began the ''Workdays'' by teaching a semester of civics courses at a Miami area high school.

I wish Senator GRAHAM, his wife Adele, and his children and grandchildren the very best in the coming years.

ERNEST HOLLINGS

ERNEST ''FRITZ'' HOLLINGS devoted his entire adult life to public service. He admirably served 7 terms as a U.S. Senator and today he is the fourth most senior member of the Senate, and he also hold the distinction of being the longest serving junior Senator in history.

His service to our country began immediately after he graduated from The Citadel in 1942 when he received a commission from the U.S. Army. Throughout his honorable military service Senator HOLLINGS received the Bronze Star and seven campaign ribbons. He served as an officer in the North African and European campaigns during World War II.

After returning from the war, FRITZ attended the University of South Carolina School of Law where he completed his Juris Doctorate in less than 3 years. At the age of 26, FRITZ HOLLINGS launched his public service career when he was elected to the South Carolina House of Representatives. He went on to become Speaker Pro Tempore, Lieutenant Governor, and at the age of 36 Governor of South Carolina becoming the youngest man in the 20th century to be elected Governor of South Carolina.

It has been a great honor to work with FRITZ HOLLINGS over these many years. We were able to work together while serving on the Senate Budget Committee and the Senate Appropriations Committee together. He consistently fought for fiscal responsibility and a reliable Government for the people.

As a principal author of the 1996 Telecommunications Act, Senator HOLLINGS was a perfect candidate to serve as the ranking member on the Commerce, Science, and Transportation Committee during the 108th Congress. Through this position, Senator HOLLINGS developed legislation to strengthen national security for our nation's port, railroad, and aviation systems.

Senator HOLLINGS has served the Senate in so many ways over the past 42 years it is impossible to know where to begin showcasing his contributions. Therefore, I would just like to say that he has continued over the years to work to better not only the lives of South Carolinians, but all the people of our nation.

Senator HOLLINGS will certainly be missed around here. I bid him farewell and extend my best wishes to him and his family.

PETER FITZGERALD

Senator PETER FITZGERALD is retiring from the Senate after 6 years of service to his home State of Illinois.

Prior to joining the Senate, Senator FITZGERALD was a commercial banking attorney and in this position played a significant role in investigations of corporate accounting fraud, mutual fund industry abuses, chronic underfunding of employee pensions, and waste, fraud and mismanagement in various Federal agencies. In 1993, he embarked upon his public service work when he began serving as an Illinois State Senator until his election to the U.S. Senate in 1998 at the young age of 38.

PETER was the first Republican in Illinois to win a Senate race in 20 years. Even though his time here was brief, he has been able to establish himself as a fiscally responsible Senator. He has consistently backed efforts to control spending and reduce taxes. Through these actions, Senator FITZGERALD has received many awards from taxpayer watchdog groups such as the Americans for Tax Reform, who has repeatedly named him a ''Hero of the American Taxpayer.''

While serving as chairman of the Commerce Subcommittee on Consumer Affairs and Product Safety, PETER has also led a successful fight to improve outdated consumer safety regulations. These regulations brought about higher testing and safety standards for child car seats and improved car safety features that benefit all Americans.

Senator FITZGERALD will be missed, though I'm sure he is now looking forward to spending more time with his wife Nina and their son Jake. I wish him the best of luck in his future endeavors.

JOHN EDWARDS

Finally, I would like to acknowledge my retiring colleague from North Carolina, Senator JOHN EDWARDS.

Senator EDWARDS was the first in his family to attend college, working his way through North Carolina State University and later earning his law degree from the University of North Carolina. Afterward, JOHN EDWARDS established himself as a distinguished and successful lawyer. These accomplishments alone are quite striking and aptly demonstrate the intelligence and determination of Senator EDWARDS.

During his time in the Senate, Senator EDWARDS served on four committees: Health, Education, Labor & Pensions, the Judiciary, the Small Business & Entrepreneurship, and the Select Intelligence. He continually championed for issues affecting the daily lives of regular people in North Carolina and the nation.

I am sure Senator EDWARDS will find success in any endeavor he now chooses to undertake and I join with my colleagues in wishing him the best.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent there now be a period of morning business, with Senators speaking up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PRAYER FOR THANKSGIVING

Mr. BYRD. Mr. President, in a matter of days, families across this Nation will gather around the table to celebrate Thanksgiving, that quintessential American holiday on which we pause to give thanks for our many blessings as a Nation and to celebrate that most precious gift of all, the love and fellowship of our families and friends.

There will be many empty chairs at the table this year as America observes the second Thanksgiving holiday since the invasion of Iraq. As many as 140,000 U.S. military personnel are currently serving in Iraq and another 20,000 in Afghanistan.

What that means in human terms is that tens of thousands of American families will be sitting down to a somber Thanksgiving dinner, their prayers of thanksgiving tempered by their fears for the safety of their loved ones.

Others, the families and loved ones of the more than 1,200 American troops who have been killed in Iraq, will sit down to a dinner seasoned with sorrow, the empty chair at the table a wrenching reminder of the terrible cost of war.

Whatever one believes about the justification of the war in Iraq, it is an indisputable fact that the troops on the ground, and their families and friends here at home, are bearing the heaviest burden of the President's decision to go to war. And on holidays like Thanksgiving, when family and friends are held especially close to the heart, the weight of that burden becomes especially hard to bear.

It is easy to talk about war in the abstract. It is easy for the President and his military advisers to point to the steady progression of U.S. victories against the insurgents in places like Falluja and Mosel as evidence that we are winning the war in Iraq. It is easy to be armchair quarterbacks in a bloody battle raging halfway across the world. But as anyone knows who has visited wounded troops at Walter Reed Army Hospital, who has gazed into the eyes of young widows or grieving parents, or who has read the poignant stories of the fallen, there is no such thing as war fought in the abstract or battles waged in statistics.

War, to those who must fight it and to their loved ones who must endure it, is painfully real and painfully present at the table, on Thanksgiving and on every other day of the week for the duration of the conflict—and sometimes for long after the fighting has ceased. These are the men and women on the front lines of the battle, and it is they whom we must salute and thank for their sacrifice.

I was struck by an article in the November 14 edition of the Los Angeles Times on the psychological toll that the war in Iraq is taking on U.S. soldiers and Marines. According to the newspaper, the Walter Reed Army Institute of Research has found that 15.6 percent of marines and 17.1 percent of soldiers surveyed after returning from Iraq reported suffering from major depression, generalized anxiety, or posttraumatic stress disorder.

Even more disturbing, the article predicted that the reported statistics were only the tip of the iceberg. According to the Times article:

> Army and Veterans Administration mental health experts say there is reason to believe the war's ultimate psychological fallout will worsen. The Army survey of 6,200 soldiers and Marines involved only troops willing to report their problems. The study did not look at reservists, who tend to suffer a higher rate of psychological injury than career Marines and soldiers. And the soldiers in the study served in the early months of the war, when tours were shorter and before the Iraqi insurgence took shape.

The Los Angeles Times went on to quote Dr. Matthew J. Friedman, a professor of psychiatry and pharmacology at Dartmouth Medical School and the executive director of the VA's National Center for Post Traumatic Stress Disorder: ''The bad news is that the study underestimated the prevalence of what we are going to see down the road,'' he said.

What a chilling forecast. One has only to look at the video footage of the house-to-house, mosque-to-mosque combat in Falluja to understand the tremendous psychological stresses on the young servicemen who form the vanguard of our assault against the insurgents in Iraq. One has only to read of the wary convoys of soldiers and Marines who are tasked to traverse the treacherous stretches of deadly Iraqi highways day after day after day, or to edge their way into labyrinthine alleys of Baghdad's most dangerous neighborhoods, to understand the sheer psychological hell of the war in Iraq.

The Pentagon keeps a daily log of U.S. military troops killed or wounded in Iraq. As of this morning, November 19, the Pentagon reports that 1,214 American troops have been killed in Iraq and another 8,956 wounded, more than half of them so severely injured that they could not be directly returned to duty. Barely more than halfway through the month, November 2004 has already turned into the second deadliest month for American military forces since the United States invaded Iraq in March of 2003. Where and when will the carnage end?

The casualty statistics are heartbreaking enough, especially on the cusp of what is supposed to be one of the most joyful seasons of the year. But they do not represent the whole story. The Defense Department does not tally the walking wounded, those soldiers and Marines who return home from duty physically fit but emotionally scarred, sometimes for life. These men and women are also casualties of the war in Iraq, and they and their families may suffer just as deeply as those whose wounds are plain to see. Modern medicine has come a long way in mending the broken bodies of soldiers wounded in combat, but I fear the military still has a long way to go in identifying and mending the broken psyches of otherwise healthy veterans.

And so on this Thanksgiving, I hope that all Americans will take a moment to pray for the safety of our troops in Iraq and Afghanistan, for the eternal salvation of those who have died in service to their country, and for the speedy recovery of all who have been wounded, including those who are suffering from the invisible ravages of emotional wounds. I also hope that Americans will take a moment to pray for the families and loved ones of all those who have been called to duty in the battle zones of Iraq and Afghanistan. We cannot fill the empty chair at the table, but we can offer an abundance of love and support for our neighbors and friends whose lives have been upended by the war, and we can pray most fervently that our troops will be returned home quickly, and that their families will not have to endure another Thanksgiving without them.

Praise Almighty God for His kindness, His love, His mercy. Thank Him.

I yield the floor.

CONGRATULATING THE CENTER FOR EXCELLENCE IN EDUCATION

Mr. FRIST. Mr. President, Senator LIEBERMAN and I extend congratulations to the Center for Excellence in Education, and its president, Joann DiGennaro, for the achievements of its educational programs to nurture young

scholars of careers of excellence and leadership in science and technology.

The Center's Research Science Institute, held on the campuses of the Massachusetts Institute of Technology and the California Institute of Technology, are nationally recognized for promoting this nation's competitive future in math, science, engineering and technology and for encouraging international understanding among future leaders. To date, over 1,500 U.S. students, including students from the U.S. Department of Defense Overseas Schools and student representatives from 46 nations have benefited from the Center's programs. They remain the only U.S. programs sponsored at no cost to students, who are competitively chosen to attend. The Center boasts of more winners and honorees of the Intel Talent Search competition than any other U.S. organization.

The USA Biology Olympiad has been sponsored in this Nation by the Center for 2 years. Over 5,000 students competed in the Center's USABO this past summer, from which four outstanding high school students represented the U.S. in the International Biology Olympiad in Australia. For the first time in the 15-year history of the IBO, a four-member team was awarded four gold medals.

We are proud that the Center for Excellence in Education has encouraged talented U.S. high school students to succeed in one of the premier world scientific competitions, and would like to take this opportunity to congratulate each one of the Gold Medalists:

Kay Aull, Thomas Jefferson High School for Science and Technology, Alexandria, VA

ZeNan Chang, Santa Monica High School, Santa Monica, CA

Clinton Hansen, Oneida High School, Oneida, NY

Brad Hargreaves, Caddo Parish Magnet High School, Shreveport, LA

We also congratulate the two coaches of the USABO:

Dr. Alan Christensen of George Mason University, and

Dr. William Stuart of the University of Maryland.

We appreciate this opportunity to recognize the Center for Excellence in Education for its 22 years as an outstanding nonprofit educational organization. The late Admiral H.G. Rickover, father of the nuclear powered submarine, can be proud of the organization which he established in 1983.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. REID. Mr. President, I rise today to recognize National American Indian Heritage Month, an important celebration that acknowledges the tremendous contributions of native peoples to our Nation.

In 1990, President George H. W. Bush approved a joint resolution designating November 1990 ''National American Indian Heritage Month.'' The origins of this celebration, however, can be traced back to 1915, when the Annual Congress of the American Indian Association directed its president to call upon the Nation to observe a day honoring Native Americans. In 1916, New York became the first State to declare an official American Indian Day.

Over the years, our Nation has moved toward a greater appreciation of the role of native peoples in American cultural, social, political, and economic life. This is reflected not only in the celebrations around the country associated with National American Indian Heritage Month, but also by the opening of the Museum of the American Indian as part of the Smithsonian Institution earlier this year.

As we celebrate the rich heritage and continuing contributions of native peoples this month, it is also important to acknowledge the challenges that many native communities face today. As a member of the Indian Affairs Committee, I am all too familiar with these challenges, and I believe we must empower native communities so every member can reach his or her full potential. That means respecting the sovereignty of tribes, strengthening education, improving health care, and enhancing economic opportunities for native peoples.

I look forward to working on these issues in the 109th Congress, and I hope my colleagues will join me in celebrating National American Indian Heritage Month.

JUAN GABRIEL

Mr. REID. Mr. President, I rise today to recognize Juan Gabriel as one of Mexico's leading vocalists and songwriters. He is well known internationally for his musical talent and as a leader of philanthropic causes.

Born Alberto Aguilera Valadez, Juan Gabriel is a six-time Grammy nominee, twice inducted into the Billboard Latin Music Hall of Fame. He has entertained sold-out audiences throughout the world, and last Sunday—November 14, 2004—he played to an energetic and enthusiastic crowd at Mandalay Bay Events Center in Las Vegas.

Juan has sold more than 30 million copies of his own albums. He is also a successful producer who has worked with artists such as Rocio Durcal, Lucha Villa, Lola Beltran, and Paul Anka.

Mr. Gabriel has reflected that ''My hope for a better world and my love for music are my inspiration.'' And he has lived by those words, using his fame and success to establish SEMJASE, an organization that provides living assistance and schooling for orphaned and underserved children in Ciudad Juarez, Mexico.

I hope my colleagues will join me in thanking Juan Gabriel for sharing his tremendous musical talents with the citizens of Las Vegas this past week, and for his passion and commitment to help the less fortunate through charitable programs such as SEMJASE.

HONORING OUR ARMED SERVICES

SPECIALIST ALAN J. BURGESS

Mr. GREGG. Mr. President, the United States of America was founded on a passion for freedom, personal liberties, and equality for all its citizens. In a fierce battle for freedom and independence, the citizens of this new world cast off the shackles of tyranny and built for themselves a land of hope and promise. So fervently held were the beliefs and ideals of this country, that a son of New Hampshire, GEN John Stark, reminded us of the price of our liberties with his admonishment to ''Live free or die.'' The heroes and Founding Fathers of that long ago time have been joined by another noble son of New Hampshire, SP Alan J. Burgess of Landaff. It is in his memory that I rise today to honor Alan for his service and supreme sacrifice in the continuing defense of this country and for his relentless defense of freedom.

Specialist Burgess demonstrated a willingness and dedication to serve and defend his country by joining the National Guard after this country was attacked in September 2001, and we had begun the task of destroying the enemies of our country. Just as many of America's heroes have taken up arms in the face of dire threats, Alan too dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life but earned him a place on the roll-call of honor within the pantheon of heroes this country has produced.

Following basic training, Alan joined his comrades in 2nd Battalion, 197th Field Artillery Brigade, Army National Guard as a Military Policeman and began training for his deployment to Iraq in support of Operation Iraqi Freedom. From this unit's home base in Woodsville, NH, he would deploy in March 2004 to Iraq in pursuit of those who would threaten our way of life.

During his all too brief career, Alan accumulated a significant list of accolades and experiences which testify to the dedication and devotion he held for the Army, his fellow soldiers, and his country. Alan's expertise contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Alan was recognized for his service by the Bronze Star Medal, the Purple Heart Medal, the Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Army Reserve Overseas Service Ribbon.

I offer Alan's family my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their soldier, SP Alan Burgess. Alan exemplified the words of Daniel Webster who said, ''God grants liberty only to those who love it, and are always ready to guard and defend it.'' Because of his efforts, the liberty of this country is made more secure.

CORPORAL KEVIN DEMPSEY

Mr. DODD. Mr. President, I rise to speak in memory of Cpl Kevin J. Dempsey, of Monroe, CT, who was killed in Iraq this past Saturday, November 13, 2004 at the age of 23.

Corporal Dempsey served with the 2nd Reconnaissance Battalion, 2nd Marine Expeditionary Force, based out of Camp Lejeune, NC. He died in an explosion in the Al-Anbar province in Western Iraq. He had been in Iraq for only 3 months, and was sent there shortly after finishing a tour of duty in Haiti.

Although Corporal Dempsey's given name was Kevin, he was known to his family and friends as Jack Dempsey, after the famous boxing champion. Kevin Dempsey truly was a fighter. At New Canaan High School, he wrestled and played for the football team, and was known for playing through injuries. Kevin was also a young man who would stand up for his fellow students, and help them out when they were in need.

According to Corporal Dempsey's friends, he and the Marines were a perfect match. An individual known for his toughness and steadfast dedication found a branch of the Armed Forces with a reputation for those same traits. Corporal Dempsey brought to the battlefields of Iraq the same determination that he took to the wrestling mat. He loved his country, and he loved the U.S. Marines.

Kevin Dempsey had considered enlisting in the Marines since he graduated from high school. But his decision became final after the attacks of September 11, 2001. Like so many others across this Nation, he resolved on that day to do what he could to defend our Nation. He called his recruiter at noon on that day and said he was ready to sign up.

With each passing day we hear news out of Iraq about brave American men and women who have lost their lives fighting there. As the toll rises, it is critical for us to remember that our soldiers overseas are each individual young men and women, each with their own families, their own reasons for serving, and their own stories. I have told one story today, but there are, many others. Let us do our best to keep those stories in mind, and let us keep heroes like Kevin Dempsey and his family in our thoughts and prayers, particularly as we approach the holiday season.

I offer my deepest sympathies to Corporal Dempsey's mother, Barbara, to his sister Jennifer, and to all who knew and loved him.

CHIEF WARRANT OFFICER WILLIAM BRENNAN

Mr. President, I rise to pay tribute to CWO Brennan, a native of Bethlehem, CT, who was killed in Iraq last month. CWO Brennan died at the age of 36 when his Bell helicopter went down over Baghdad on October 16, 2004.

William Brennan came from a family and community steeped in military tradition. His father Nicholas was a Navy commander during the Second World War. His uncle was a bomber pilot during World War II and the Korean War. And his godfather was a pilot who served in Vietnam.

With those influences, it comes as no surprise that William Brennan, known to his friends and family as Will, dreamed from a young age of flying a plane. It wasn't an easy career path for William; in fact, the first time he applied to Army flight school, his application was tossed in the garbage after an Army official accidentally spilled coffee on it. But through persistence and perseverance, William Brennan realized his dream.

William Brennan's military resume is one of which any soldier would be proud. His career in the Army spanned 15 years. In addition to his service in Iraq, he served as part of the peacekeeping mission led by the United States in Bosnia. And shortly after the attacks of September 11th, he flew surveillance flights over New York City.

Chief Warrant Officer Brennan was proud of his service, and was proud of his family as well. He and his wife Kathy, who met while they were both stationed at Fort Drum, New York, were the parents of two girls, Kaitlin and Cassidy. In fact, William's greatest concerns leaving for Iraq were not about the danger he would face, but about the wife and daughters he was leaving behind.

Next week we will be celebrating the holiday of Thanksgiving, and in another month, we will encounter the traditional winter holidays. Most of us will be gathering together with our families and giving thanks for all that we have. On these occasions, let us also remember families like William Brennan's, who have lost loved ones over this past year in places like Iraq and Afghanistan. Let us remember them, and do what we can to offer them a helping hand, or a shoulder to cry on, during what is surely a difficult time of year.

I offer my deepest sympathies to Kathy Brennan, to Kaitlin and Cassidy, to William's brothers and sisters, and their entire family.

LANCE CORPORAL JAMES SWAIN

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Kokomo, IN. LCpl James Swain, 20 years old, died on November 15th. When his unit was faced with determining who among them would go to Iraq, James volunteered—a selfless choice that would cost him his life. James was shot while conducting combat operations in the Al Anbar province of Iraq. With his entire life before him, James risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Kokomo High School in 2002, James followed a longstanding family tradition by joining the Armed Forces. His father Dan told the Kokomo Tribune that James had always enjoyed hearing stories of his days as an Army medic. However, James chose the path of his grandfather, who had also been a marine. According to friends and loved ones, James was born to serve and had touched many lives with his service and his generous spirit. He had dreams of continuing to help his country by becoming a criminal profiler for the CIA or FBI.

James was the 39th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the Headquarters Battalion, 1st Marines, Regimental Combat Team-1, 1st Marine Division, Camp Pendleton, CA. This brave young soldier leaves behind his parents, Dan and Mona Swain; his grandfather, Edward Swain; his brother, Benjamin Swain; and his sisters, Mary Ann and Melissa Swain.

Today, I join James' family, his friends, and the entire Hoosier community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of James, a memory that will burn brightly during these continuing days of conflict and grief.

James was known for his dedication to serving others and his love of family and country. When looking back on James' life, Charlie Hall, a former coach at Kokomo High School, told the Kokomo Tribune, ''Anything he tried, he did to the fullest. He did well. I think it says a lot about the quality of our service people if there are people like James serving.'' His high school principal Harold Canady remembered him by saying, ''James was an outstanding young man . . . The best way I can describe him is that he is the all-American boy. He chose to serve his country and was willing to make that sacrifice.'' Today and always, James will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring James' sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of James' actions will live on far longer than any record of these words.

It is my sad duty to enter the name of James Swain in the official record of the Senate for his service to this country and for his profound commitment

to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like James' can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with James.

TRUTH IN TRIALS ACT

Mr. GRASSLEY. Mr. President, the Federal Government has a long-standing obligation to monitor the purity, safety, and effectiveness of the medicines that are available to the public. For this reason, I would like to express my opposition to S. 2989, the Truth in Trials Act. This legislation reverses almost 100 years of progress that we have made by undermining any scientific evidence about medicine and replacing it with popular referendums passed by slick ad campaigns.

There was a time in this country when individuals and businesses could market anything as a medicine and make any claim for its effectiveness. Because of this, a flood of narcotics and stimulants were freely marketed as nostrums sold over the counter and through the mail. Often these ''miracle cures'' were miscellaneous concoctions made from unknown ingredients. In addition, these nostrums were often accompanied by endless testimonials from satisfied customers on how well these products performed.

Thankfully, our grandparents and great-grandparents, who had to deal with these practices, woke up to the fraud that was being perpetrated on the public by these ''snake-oil salesmen.'' These dangerous drugs were creating a major addiction problem, and the unknown ingredients in these cures were actually doing a great deal of harm. In response to demands from the public, truth in labeling was born.

Consumers in the early 1900s took steps to ban dangerous drugs to determine what drugs had medical uses that could be demonstrated to be safe and effective. Based on this experience, the Pure Food, Drug, and Cosmetic Act, FDCA, of 1906 was passed, which required food and medicines be pure, and the contents of medicines be labeled. In 1938, the FDCA was amended to add the requirement that all medicines be safe, and the Food and Drug Administration was created to regulate this. In 1962, the FDCA was further amended by the Harris-Kefauver amendment, which added an additional requirement that any medicine must also be effective, and further required the FDA to establish efficacy standards.

Furthermore, a variety of laws were passed to deal with the distribution of dangerous drugs. The first of these was the Harrison Narcotics Control Act of 1914. The next major piece of legislation on drug control was the Marijuana Tax Act of 1937. These and other laws covering various types of drugs were replaced in 1970 when the Controlled Substances Act was signed into law. This Act further defined the process that a substance had to go through to become an acceptable medicine. In addition, a five-tier scheduling system for all pharmacological substances was established, allowing for the categorizing of all medicines and other pharmacological substances based on their abuse potential and accepted use as a medicine.

Unfortunately, this does not mean that we will no longer have unscrupulous business enterprises that promise salvation through snake-oil products. Over the past 60 years, the FDA has developed a careful, proven method for testing and approving drugs. This process is the standard by which the rest of the world measures the safety and effectiveness of their drug approval system.

Americans today have the world's safest, most effective system of medical practice, built on a process of scientific research, testing, and oversight that is unequaled. Every drug prescribed as medicine in this country must be tested according to scientifically rigorous protocols to ensure that it is safe and effective before it can be sold.

To this date, over 15,000 scientific, peer-reviewed studies into the medicinal value of marijuana have been published, and not one demonstrates that smoking marijuana has any medicinal value for any condition. In fact, there is medical evidence to suggest that marijuana may actually aggravate some of the conditions it is supposed treat.

On top of all that, there are legal, effective medicines that are already currently available and meet all of the guidelines that have been established by the FDA. This includes Marinol, which is a legally available, FDA-approved form of a marijuana extract that is currently being used as a treatment for nausea and AIDS wasting syndrome. In addition, there are many other medicines that have been developed and received FDA approval that do not have the hallucinogenic side effects that come with smoking marijuana. These are medicines that meet scientific standards and do not rely on anecdotes and testimony for validation.

Certainly, we all want to provide relief for people who are sick and dying, but smoking marijuana has not been scientifically proven to have any medicinal value. By allowing patients and caregivers to use and provide marijuana through the political process, we clearly bypass the safeguards established by the FDA to protect the public from dangerous or ineffective drugs.

I urge my colleagues to join me in opposing this bill and other efforts to legalize marijuana.

JUSTICE FOR ALL ACT

Mr. LEAHY. Mr. President, last month, the House and Senate overwhelmingly approved H.R. 5107, the Justice for All Act of 2004. This important criminal justice package includes the Innocence Protection Act, a modest and practical set of reforms aimed at reducing the risk of error in capital cases. I first introduced the IPA in February 2000, and as time passed, the bipartisan coalition in support of this pioneering bill grew. Capping these years of effort, the President has now signed the bill into law.

As enacted, the Innocence Protection Act contains several key reforms. First, it ensures access to post-conviction DNA testing for those serving time in prison or on death row for crimes they did not commit. Second, it establishes a grant program to help defray the costs of post-conviction DNA testing. This program is named in honor of Kirk Bloodsworth, the first death row inmate exonerated as a result of DNA testing. Third, the IPA establishes rules for preserving biological evidence secured in the investigation or prosecution of a Federal offense. Fourth, it authorizes grants to States to improve the quality of legal representation in capital cases. Finally, it substantially increases the maximum compensation that may be awarded in Federal cases of wrongful conviction.

Three weeks before the Senate approved H.R. 5107, the Senate Judiciary Committee wrapped up weeks of work on the Senate version of the bill, S. 1700, the Advancing Justice Through DNA Technology Act of 2003. The Committee voted to approve S. 1700 by a bipartisan vote of 11 to 7, but given time constraints and continuing negotiations, the Committee did not issue a report. Nor was there a conference report on the final legislation, as the Senate's acceptance of H.R. 5107 in substantially the form that it passed the House made a House-Senate conference unnecessary.

The upshot of all of this is that there is a substantial gap in the legislative history of this landmark legislation. As the principal author of the Innocence Protection Act, I offer the following remarks to fill that gap and guide those who will be implementing and enforcing these important provisions in the future.

I introduced S. 1700 on October 1, 2003, together with the Chairman of the Judiciary Committee, Senator ORRIN HATCH, and 16 additional co-sponsors. On the same day, the Chairman of the House Judiciary Committee, Representative JAMES SENSENBRENNER, and 99 cosponsors introduced an identical measure, H.R. 3214.

The bill moved swiftly through the House. On October 16, 2003, the House Judiciary Committee reported an amended version of the bill by a vote of 28 to 1. The few changes to the bill were largely technical, clarifying, or stylistic in nature, and are described in the report accompanying the bill to the

full House. None of these changes affected title III of the bill, which contained the Innocence Protection Act. On November 5, 2003, the House passed a further amended version of the bill by a vote of 357 to 67. This version did include a significant change to the counsel provisions in title III, which I will address shortly.

In the Senate, the bill progressed more slowly. The Senate Judiciary Committee met in executive session on three occasions to consider S. 1700. At the first of these meetings, on July 22, 2004, the committee adopted an amendment in the nature of a substitute which replaced the text of S. 1700 with a modified version of H.R. 3214, as passed by the House.

The committee continued its mark-up of S. 1700 on September 9, 2004. The only amendment offered during this session sought to expand on a title I provision regarding the national DNA database, and did not affect any provision of the Innocence Protection Act. The committee rejected this amendment after lengthy debate and then adjourned.

The committee completed its consideration of S. 1700 on September 21, 2004. During this session, the committee rejected a total 21 amendments, 17 of which pertained to the Innocence Protection Act.

Senator CORNYN offered two of the IPA-related amendments. The first proposed to replace the text of S. 1700 with that of S. 1828—a pared down version of S. 1700 that stripped out the Innocence Protection Act in its entirety. The second Cornyn amendment proposed to strike an entire subtitle of S. 1700 dealing with competent counsel and substituting a different program that failed to require any accountability on the part of States accepting Federal money. The committee rejected both of these amendments by votes of 7 to 11.

Senator KYL offered nine amendments to the IPA provisions regarding post-conviction DNA testing. Six of the amendments sought to restrict access to post-conviction DNA testing in the Federal system, as by requiring that any motions for such testing be filed within 5 years of the bill's enactment. One amendment proposed to raise the standard for obtaining a new Federal trial based on exculpatory DNA evidence—instead of proving that a new trial would probably result in an acquittal, a defendant would be put to the virtually impossible burden of proving that he did not commit the offense. Two of the amendments would have reduced the incentive for States to adopt post-conviction DNA testing procedures comparable to the Federal procedures. The committee rejected all nine amendments by a vote of 7 to 10 or 7 to 11.

The other six IPA amendments, also offered by Senator KYL, pertained to the IPA's requirement that Federal authorities preserve any biological evidence secured in the investigation or prosecution of a Federal offense for as long as a defendant remained incarcerated for that offense, subject to a number of practical and straightforward exceptions. All six amendments would have relaxed this requirement to some degree, allowing for the premature destruction of biological evidence that could clear the innocent and identify the guilty. The committee rejected all six amendments, most by a vote of 7 to 11.

Having voted down all amendments to the substitute amendment, the committee approved the bill by a final vote of 11 to 7. Those voting in the affirmative were myself, Chairman HATCH, and Senators SPECTER, DEWINE, KENNEDY, BIDEN, KOHL, FEINSTEIN, FEINGOLD, SCHUMER, and DURBIN. Those voting in the negative were Senators GRASSLEY, KYL, SESSIONS, GRAHAM, CRAIG, CHAMBLISS, and CORNYN.

The committee vote on September 21, 2004, was the last action taken on S. 1700. As I discussed in a floor statement on October 7, 2004, no sooner had the bill been reported favorably to the full Senate than it was blocked by the same Senators who had held it up in Committee, buttressed by opposition from President Bush and Attorney General John Ashcroft. As a result, the full Senate was never afforded an opportunity to consider S. 1700 as a free-standing bill.

With time running out before the congressional adjournment, the House acted again. On September 22, 2004, the House Judiciary Committee approved the text of S. 1700 as part of H.R. 5107, a larger criminal justice package known as the Justice For All Act of 2004. There followed several weeks of intense negotiations involving House and Senate sponsors of the legislation, the handful of hold-out Senators, and the Department of Justice. While no agreement was reached, and the Department continued to oppose the bill, the House made a number of changes to the legislation to address concerns that had been raised. On October 6, 2004, the House passed a modified version of H.R. 5107 by a vote of 393 to 14 and sent it to the Senate. The Senate passed the bill three days later by voice vote, the House made a number of enrollment corrections the same day, and on October 30, 2004, President Bush signed the bill into law.

The Justice For All Act of 2004 enhances protections for victims of Federal crimes, increases Federal resources available to State and local governments to combat crimes with DNA technology, and provides safeguards to prevent wrongful convictions and executions.

Title I of the bill is the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act. The provisions of this title establish enhanced and enforceable rights for crime victims in the Federal criminal justice system, and authorize grants to help States implement and enforce their own victims' rights laws.

Titles II and III of the bill establish the Debbie Smith DNA Backlog Grant Program, which authorizes $755 million over five years to address the DNA backlog crisis in the nation's crime labs, and also creates other new grant programs to reduce forensic science backlogs, train criminal justice and medical personnel in the use of DNA evidence, and promote the use of DNA technology to identify missing persons.

Title IV of the bill, the Innocence Protection Act, increases access to post-conviction DNA testing that may prove innocence; establishes the Kirk Bloodsworth program to help defray the cost of post-conviction DNA testing; sets rules for preserving biological evidence secured in Federal criminal cases; authorizes grants to improve the quality of legal representation in State capital cases; and increases compensation in Federal cases of wrongful conviction.

The Innocence Protection Act reflects years of work and intense negotiation. I will now discuss its key provisions in greater detail.

Subtitle A of title IV enacts a new chapter in the Federal Criminal Code dealing with DNA testing. In little over a decade, some 153 people across the country have been exonerated by this remarkable technology. That number includes more than a dozen individuals who had been sentenced to death, some of whom came within days of being executed.

Post-conviction DNA testing does not merely exonerate the innocent it can also solve crimes and lead to the incarceration of very dangerous criminals. In case after case, DNA testing that exculpates a wrongfully convicted individual also inculpates the real criminal. Just this year, for example, the exoneration of Arthur Lee Whitfield in Virginia led to the identification of another inmate, already serving a life sentence, as the true perpetrator of two rapes for which Whitfield had served 22 years in prison. Last year, DNA evidence in the case of Kirk Bloodsworth was matched to another man, a convicted sex offender who has now pleaded guilty to the horrendous rape-murder that sent Mr. Bloodsworth to Maryland's death row.

There are still numerous prisoners throughout the country whose trials preceded modern DNA testing, or who did not receive pretrial testing for other reasons. If history is any guide, some of these individuals are innocent of any crime.

The new chapter 228A of title 18 is designed to ensure that Federal prisoners with real claims of innocence can get DNA testing of evidence that could support such claims. It does this by establishing rules for when a court shall order post-conviction DNA testing—to be codified at 18 U.S.C. § 3600—and rules for when the government may dispose of biological evidence—to be codified at 18 U.S.C. § 3600A.

Under section 3600, a court shall order DNA testing if it may produce

new material evidence that would raise a reasonable probability that the applicant did not commit the offense. This standard was the subject of intense negotiations, as members recognized that setting the standard too low could invite frivolous applications, while setting it too high could defeat the purpose of the legislation and result in grave injustice. I argued that in balancing these concerns, Congress should be guided by the principle that the criminal justice system should err on the side of permitting testing, in light of the low cost of DNA testing and the high cost of keeping the wrong person locked up. I am pleased that this view ultimately prevailed.

During the final round of negotiations on H.R. 5107—after the House Judiciary Committee reported the bill, and before final passage by the full House—the standard for ordering a DNA test was modified in two respects. First, as introduced in both the House and the Senate, section 3600(a)(8) appeared to impose on applicants the virtually impossible burden of showing that a DNA test ''would'' produce new material evidence of innocence. Under section 3600(a)(8) as enacted, applicants need only show that a test ''may'' produce such evidence.

Second, the same provision was stripped of unnecessary language to the effect that courts must ''assume the DNA test result excludes the applicant'' when considering whether DNA testing would raise a reasonable probability that the applicant did not commit the offense. Such an assumption is already implicit, since a court could not reasonably assess the probability that a convicted offender was wrongly convicted without weighing some new evidence of innocence, such as a DNA exclusion. With or without the assumption language, the question for a court boils down to this: Would a DNA exclusion make it more likely than not that the applicant was innocent? If so, the court should order DNA testing, provided that the various technical requirements set forth in section 3600(a) are met.

These requirements are simply stated. First, the applicant must assert his or her innocence under penalty of perjury. Second, the evidence to be tested must have been secured in relation to the investigation or prosecution of the offense. Third, the evidence must not have been previously subjected to DNA testing or, if it was, the applicant must be requesting DNA testing using a new method or technology that is substantially more probative than the prior DNA testing. If the evidence was not previously tested, the applicant must also show that he did not waive the right to request DNA testing of that evidence in a court proceeding after the date of enactment of the IPA, or knowingly fail to request DNA testing of that evidence in a prior motion for post-conviction DNA testing. A waiver of the right to request DNA testing must be knowing and voluntary, and will ideally be made on the record and inquired into by the court before it is accepted.

Fourth, the evidence to be tested must be in the possession of the Government, subject to a chain of custody, and retained under conditions sufficient to ensure that it was not substituted, contaminated, tampered with, replaced, or altered in any material respect. Fifth, the proposed DNA testing must be reasonable in scope, use scientifically sound methods, and be consistent with accepted forensic practices. Sixth, the applicant must identify a theory of defense that is not inconsistent with an affirmative defense presented at trial, and that would establish the applicant's innocence. Seventh, the applicant must certify that he will provide a DNA sample for purposes of comparison.

Eighth, if the applicant was convicted following a trial, the identity of the perpetrator must have been at issue in the trial. If the applicant was convicted following a guilty plea, this requirement does not apply. Congress rightly rejected the Justice Department's position that inmates who pleaded guilty should be ineligible for DNA testing in light of the many documented cases in which defendants pleaded guilty to crimes they did not commit. Indeed, the Senate Judiciary Committee report in the 107th Congress on the Innocence Protection Act of 2002 describes four cases in which defendants pleaded guilty to crimes they did not commit and were later exonerated by DNA tests.

The final requirement established by section 3600 is that motions for post-conviction DNA testing be made ''in a timely fashion.'' Motions are entitled to a rebuttable presumption of timeliness if filed within five years of enactment of the IPA, or three years after the applicant's conviction, whichever is later. Thereafter, it is presumed that a motion is untimely, except upon good cause shown. As I explained in an earlier floor statement, the Justice Department has complained that the ''good cause'' exception is so broad you could drive a truck through it, and its stubborn opposition to the IPA turned in large part on the inclusion of this language. But while I agree that the language is broad, it is intentionally so; I would not agree to a presumption of untimeliness that could not be rebutted in most cases. At the same time, this provision should allow courts to deal summarily with the Department's hypothetical bogeyman—the guilty prisoner who ''games the system'' by waiting until the witnesses against him are dead and retrial is no longer possible, and only then seeking DNA testing.

As may be apparent from the awkwardness of the legislative language, the rebuttable presumption language in section 3600 was a late and hastily-drafted addition to the legislation. It replaced a relatively generic requirement that motions be filed for the purpose of demonstrating innocence, and not to delay the execution of the sentence of the administration of justice. The intention was to provide courts with more specific guidance on how to weed out frivolous motions.

Significantly, this provision is far from the rigid three-year time limit urged by the Justice Department. In rejecting a time limit, Congress recognized that the need for a DNA testing law is not temporary. That need will likely diminish over time as pre-trial DNA testing becomes more prevalent, but there will always be cases that fall through the cracks due to a defense lawyer's incompetence, a defendant's mental illness or mental retardation, or other reasons that we in Congress cannot and should not attempt to anticipate. Many of the individuals who have been exonerated by post-conviction DNA testing did not win freedom until many years after they were convicted and could still be in prison, or executed, if an arbitrary limitations period had been applied to their requests for DNA testing.

In addition to the requirements I have just described, section 3600 provides additional disincentives to filing false claims or trying to ''game the system''. Test results must be disclosed simultaneously to the applicant and the government. DNA submitted by the applicant will be run through the national DNA database, which could conceivably produce a match linking the applicant to an unsolved crime. Penalties are established in the event that testing inculpates the applicant. Further, because an applicant's assertion of innocence must be made under penalty of perjury, an applicant may be subject to prosecution for perjury, as well as for making a false statement, if his assertion is later disproved. If convicted, the applicant is subject to a 3-year prison sentence, which shall run consecutively to any other term of imprisonment he is serving.

Section 3600 also establishes procedures to be followed when DNA testing exculpates the applicant. A court shall grant relief if the test results, when considered with all the other evidence in the case, establish by compelling evidence that a new trial would result in an acquittal. The ''compelling evidence'' standard was another late addition; earlier versions of the IPA set the applicant's burden at ''a preponderance of the evidence.'' The point of the change, which I proposed, was to require courts to focus on the quality of the evidence supporting an applicant's new trial motion rather than trying to calculate the odds of a different verdict.

In setting the new trial standard in section 3600, Congress rejected the Justice Department's proposal, under which an applicant would have to prove, by clear and convincing evidence, that he did not commit the crime. That standard is substantially more demanding than the standard established for second or successive motions filed under 28 U.S.C. § 2255 based

on newly discovered evidence—a remedy that is already open to Federal inmates with new evidence of a DNA exclusion. It would have made no sense for Congress to establish a more demanding new trial standard for cases involving a new DNA test result than for other cases involving newly discovered evidence. To the contrary, because DNA testing conducted years and even decades after a conviction can provide a more reliable basis for establishing a correct verdict than any evidence proffered at the original trial, the standard should be and has appropriately been set a notch lower. This is consistent with Congress' decision, in section 204 of the Justice For All Act, to toll the statute of limitations in cases involving DNA evidence; both provisions recognize the unique ability of DNA testing to produce scientifically precise and highly probative evidence long after a crime has been committed.

Let me turn now to the new evidence-retention rules enacted by the IPA. As a general matter, section 3600A requires the preservation of all biological evidence secured in relation to a Federal criminal case for as long as any person remains incarcerated in connection with that case. But biological evidence may be destroyed—assuming that no other law requires its preservation—under certain limited circumstances, including, first, if a previous motion by the defendant for testing pursuant to section 3600 was denied and no appeal is pending; second, if the defendant knowingly and voluntarily waived the right to request DNA testing of the evidence in a court proceeding conducted after the date of enactment of the IPA; and third, if the evidence has already been tested pursuant to section 3600 and the results included the defendant as the source. If the evidence is unusually large or bulky, or if it must be returned to its rightful owner, the government may remove and retain representative portions of the evidence sufficient to preserve the defendant's rights under section 3600.

Biological evidence may also be destroyed if the government notifies everyone who remains incarcerated in the case that the evidence may be destroyed and no one requests DNA testing within 180 days of receiving such notice. It bears emphasis that this is a limited exception to the general rule favoring preservation of biological evidence. It is not anticipated, nor is it anyone's intention, that prosecutors simply hand out standardized notices pursuant to section 3600A every time a defendant is convicted. Indeed, one of the final changes made to H.R. 5107 clarified that the defendant's conviction must be final, and the defendant must have exhausted all opportunities for direct review of the conviction, before a section 3600A notice may be served. Even then, the better practice would be for the government to wait a number of years, until the destruction of the evidence is truly imminent, before providing notice.

In this regard, it should be noted that section 3600A does not preempt or supersede any law that may require evidence, including biological evidence, to be preserved. Thus, if another law requires evidence to be retained for 10 years after conviction, the government should wait at least that long before notifying the defendant that the evidence may be destroyed.

If the notice exception becomes the rule—if notices are routinely served as soon as convictions become final, and evidence is routinely destroyed six months later—Congress will need to revisit section 3600A. Having rejected any time limit on motions for post-conviction DNA testing, Congress should not allow the government to impose a de facto time limit of six months by rushing to destroy any evidence that could be the subject of a motion for post-conviction DNA testing. In implementing section 3600A, the government should never lose sight of its intended purpose, which is to ensure that biological evidence is available to permit future DNA testing that may help clear the innocent and catch the guilty.

The provisions I have discussed to this point will be codified in the Federal Criminal Code and will have direct application to Federal cases and Federal defendants only. Earlier versions of the IPA recognized a constitutional right of State prisoners to access biological evidence held by the State for the purpose of DNA testing; as enacted, however, the IPA contains no such provision. This is regrettable. As Fourth Circuit Judge Michael Luttig concluded in a 2002 opinion, ''A right of access to evidence for tests which could prove beyond any doubt that the individual in fact did not commit the crime, is constitutionally required as a matter of basic fairness.'' An inmate's interest in pursuing his freedom—and possibly saving his life—is surely sufficient to outweigh any governmental interest in withholding access to potentially exculpatory evidence.

While taking no position on the constitutional question addressed by Judge Luttig, the IPA does encourage States that have not already done so to enact provisions similar to sections 3600 and 3600A. It does this in section 413 of subtitle A of title IV, by reserving the total amount of funds appropriated to carry out certain grant programs authorized in the Act for States that have adopted reasonable procedures for providing post-conviction DNA testing and preserving biological evidence.

It is never easy to attach strings to money that our States so desperately need, but it is necessary in this instance. Ten years after New York passed the nation's first post-conviction DNA testing statute, many States have yet to establish a right to post-conviction DNA testing, and others have erected unjustifiably high procedural hurdles to testing. For example, some States provide for post-conviction DNA testing only if the inmate is under sentence of death, and some rely on arbitrary and unnecessary time limits. To quote New York Attorney General Eliot Spitzer, who testified in support of the Innocence Protection Act in June 2000, ''DNA testing is too important to allow some States to offer no remedy to those incarcerated who may be innocent of the crimes for which they were convicted.''

The IPA affords States that accept the conditioned Federal funding some flexibility in crafting their DNA laws. State procedures for providing post-conviction DNA testing and preserving biological evidence need only be ''comparable,'' not identical, to the Federal procedures in sections 3600 and 3600A. This means that the procedures adopted by a State must, at a minimum, incorporate the core elements of the Federal procedures. For example, a State post-conviction DNA statute that covers only death row inmates and not inmates serving terms of incarceration would not be comparable to the Federal procedures. Similarly, a State statute that included a time limit or any other provision that would systematically deny testing to whole categories of prisoners who would receive testing under the Federal procedures would not be comparable to those procedures and, so, would not satisfy the Act.

When I first introduced the Innocence Protection Act in February 2000, only a handful of States had enacted post-conviction DNA testing laws. Today, a sizeable majority of States have enacted such laws, although as I already noted, the scope of these laws varies considerably. States that have already established a meaningful right to post-conviction DNA testing and reasonable rules for preserving biological evidence should not be required to change their laws as a condition of receiving Federal funds, and the IPA does not require this. Section 413 includes a ''grandfather clause'' that should cover many of the States that enacted DNA laws before enactment of the IPA, making them immediately eligible for the conditioned grant money. Not every State DNA law meets the terms of the grandfather clause, however, and the Justice Department should take great care in scrutinizing the laws of any State claiming its protection.

Post-conviction DNA testing is an essential safeguard that can save innocent lives when the trial process has failed to uncover the truth. But it would be neither just nor sensible to enact a law that merely expanded access to DNA testing. It would not be just because innocent people should not have to wait for years after trial to be exonerated and freed. It would not be sensible because society should not have to wait for years to know the truth. When innocent people are convicted and the guilty are permitted to walk free, any meaningful reform effort must consider the root causes of these wrongful convictions and take steps to address them. That is why subtitle B of title IV addresses what all

the statistics and evidence show is the single most frequent cause of wrongful convictions inadequate defense representation at trial.

Subtitle B was enacted against the backdrop of a shameful record of failure by many States to provide competent lawyers to indigent defendants facing the death penalty. Testimony in both the Senate and House Judiciary Committees revealed that of the 38 States that authorize capital punishment, very few have established effective statewide systems for identifying, appointing and compensating competent lawyers in capital cases.

Too often individuals facing the ultimate punishment are represented by lawyers who are drunk, sleeping, soon-to-be disbarred or just plain ineffective. Even the best lawyers in these systems are hampered by inadequate compensation and insufficient resources to investigate and develop a meaningful defense.

The Congress acted to remedy several major problems with the capital counsel appointment process. First, in many States the appointment of indigent counsel in criminal cases is a county-by-county responsibility. Unless a State legislature or court system adopts standards, each county is left to decide who is competent to represent criminal defendants and how much they should be paid. In smaller and less affluent counties where there is not a professional public defender system, the compensation rate for this service can be shockingly low and the quality of lawyers abysmal. This problem afflicts the indigent defense system in general, but is more acute in capital cases which are more complex and time consuming, and where the stakes are higher.

Second, in addition to the fiscal constraints on individual counties there are political pressures that make it difficult for well-meaning administrators to pay appointed lawyers a reasonable rate for their services. Criminal defendants are highly unpopular recipients of government largess, and accused murderers even less so. The Sixth Amendment to the U.S. Constitution requires that defendants be afforded effective representation at State expense, but efforts to invoke the Sixth Amendment to generate systemic change in State indigent defense systems have been largely unavailing.

A third major problem is that in almost all States, the appointment of capital defense lawyers is made by the trial judge rather than by an independent appointing authority. State trial judges, who are often elected officeholders, find themselves under political and administrative pressure to appoint lawyers unlikely to mount a vigorous, time-consuming or expensive defense.

Several States—including North Carolina and New York have—acted in recent years to establish statewide systems to deliver effective representation. North Carolina, for example, has established a centralized, independent appointing authority known as the Indigent Defense Services Commission. The Commission appoints a statewide Capital Defender who is accountable to the Commission but not accountable to the judiciary or to the political branches of government. The Capital Defender compiles and maintains a roster of private lawyers and public defenders who are qualified to try capital cases. The Capital Defender appoints two defense lawyers for each capital defendant. He may appoint himself and his staff, or he may appoint lawyers from the roster. The trial judge has no role whatsoever in the appointment of counsel. Congress viewed the North Carolina system as a national model for establishing an effective capital counsel system.

Section 421 of the new law authorizes a grant program, to be administered by the Attorney General, to improve the quality of legal representation provided to indigent defendants in State capital cases. Grants shall be used to establish, implement, or improve an effective system for providing competent legal representation in capital cases, but may not be used to fund representation in specific cases.

In earlier versions of the Innocence Protection Act, I had proposed to condition certain State defenses in habeas corpus actions on the State's establishment of an effective system for appointing capital counsel. In this manner, all capital States would have a strong incentive to improve their appointment systems, not merely those States that choose to apply for Federal funds. While this more ambitious proposal was not adopted, it is my intention that the grant program be administered in a manner that ensures meaningful improvements in this vital State function. Congress did not create this program to support existing death penalty systems in the States but rather to leverage needed improvements.

Under the new law, an effective system is one in which a public defender program or other entity establishes qualifications for attorneys who may be appointed to represent indigents in capital cases; establishes and maintains a roster of qualified attorneys and assigns attorneys from the roster; trains and monitors the performance of such attorneys; and ensures funding for the full cost of competent legal representation by the defense team and any outside experts.

The Act's definition of an effective system evolved from standards developed by the American Bar Association and adopted by other standard-setting bodies and commissions, such as the Constitution Project's blue-ribbon commission on capital punishment. Ideally, the entity that identifies and appoints defense lawyers will be independent of the political branches of State government, as are the authorities in North Carolina and New York. For example, the Act explicitly states that sitting prosecutors may not serve on the appointing entity. The underlying purpose of the scheme is to help insulate the appointment process from the political pressures that make it difficult for individual trial judges to appoint competent lawyers in individual cases.

In the course of negotiations to pass the bill in the House last year, I and other sponsors of the bill reluctantly agreed to accept an amendment, now section 421(e)(1)(C) of the Act, that has come to be described as ''the Texas carve-out.'' Under this provision, a State may qualify for a capital representation improvement grant if it has adopted and substantially complies with a State statutory procedure enacted before this Act under which the trial judge is required to appoint qualified attorneys from a roster maintained by a State or regional selection committee or similar entity.

In fact, the ''Texas carve-out'' is not a carve-out at all. It simply acknowledges that Texas is in the process of implementing a recent statewide reform law, the Fair Defense Act of 2001, and should be permitted to continue that process. If Texas is awarded a Federal grant it will still be required to improve its capital counsel appointment system, but Federal authorities will measure those improvements against standards in the 2001 Texas law.

Texas is not yet living up to the promise of the Fair Defense Act. A November 2003 report by the Equal Justice Center and the Texas Defender Service demonstrates that many Texas counties have failed to establish effective roster systems for identifying qualified lawyers and fail to provide reasonable compensation to capital counsel. If Texas accepts Federal funds under this new program, it will be required to live up to its own State standards, including the all-important requirement of reasonable compensation. The TDS report should be a guidepost for needed improvements.

It is conceivable that other States will qualify for consideration under section 421(e)(1)(C) but the provision should be strictly interpreted by grant administrators. The State law must have been enacted prior to enactment of the Innocence Protection Act, the trial judge must be required to make appointments from a roster of qualified lawyers, and the roster must be maintained by the State, a regional selection committee or a similar agency that is independent of the trial court. Congress was aware that the trial courts in many States maintain rosters from which lawyers may be chosen, but that is not the sort of rigorous quality control mechanism that section 421(e)(1)(C) requires.

States that establish an effective system under section 421(e)(1)(A) or (B) must compensate lawyers in accordance with section 421(e)(2)(F)(ii). That provision requires, among other things, that public defenders be compensated

according to a salary scale commensurate with the salary scale of the prosecutor's office in the jurisdiction. This requirement parallels the requirement that capital representation improvement grants are to be divided evenly between the defense and prosecution functions. In enacting the IPA, Congress generally approved of the concept of resource parity between the defense and the prosecution, a concept that is essential to ensuring fair trials in our adversarial system of justice.

Another important requirement concerning attorney compensation appears in section 421(e)(2)(F)(ii)(II) which states that appointed attorneys be compensated ''for actual time and service, computed on an hourly basis and at a reasonable hourly rate in light of the qualifications and experience of the attorney and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases.'' Again, this concept is drawn from the American Bar Association standards, which should be consulted by grant administrators in implementing the program. This new statutory requirement would clearly preclude a participating State from compensating attorneys under a flat fee or capped fee system, because such a system would not compensate the attorney for ''actual time and services, computed on an hourly basis.''

Moreover, the term ''reasonable hourly rate'' must be taken seriously by those who administer the new program. For example, there is general agreement among experts that the Federal compensation rate of $125 per hour is reasonable in most parts of the country.

In my view, a State rate comparable to the Federal rate should be considered ''reasonable,'' taking into account differences in the cost of living in various parts of the country. Capital cases are among the most complex, high stakes cases tried in any courthouse, and the lawyers who represent defendants in such cases should be paid at a rate comparable to that earned by other lawyers engaged in similarly important litigation.

One recent modification of section 421 would make clear that sitting prosecutors may not be members of the appointing authority established under section 421(e)(1)(B), although others with expertise in capital cases may participate. I agree that under this new language members of the judiciary may be members of the authority. On the other hand it would be impermissible for the appointing authority to delegate its authority to trial judges or to a group of trial judges. Such a delegation would defeat one of the central goals of the Act, which was to insulate the appointment power from the political and administrative pressures on trial judges.

As part of the same program established in section 421, section 422 authorizes grants to improve the representation of the public in State capital cases. Grants shall be used to design and implement training programs for capital prosecutors; develop, implement, and enforce appropriate standards and qualifications for such prosecutors and assess their performance; establish programs under which prosecutors conduct a systematic review of cases in which a defendant is sentenced to death in order to identify cases in which post-conviction DNA testing is appropriate; and assist the families of murder victims.

A key limitation on these prosecution grants is that they may not be used ''to fund, directly or indirectly, the prosecution of specific capital cases.'' Consistent with the IPA's overarching goal of ensuring that capital punishment is carried out in a fair and reliable manner, these grants should be used to establish and improve systems within prosecutor offices to minimize errors and abuses that may lead to wrongful convictions. They may not be used to hire additional capital prosecutors.

Section 423 establishes requirements for States applying for grants under this subtitle, including a long-term strategy and detailed implementation plan that reflects consultation with the judiciary, the organized bar, and State and local prosecutor and defender organizations, and establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes in order to enhance the reliability of capital trial verdicts.

In the case of a State that relies on a statutory procedure described in section 421(e)(1)(C), the Texas-related provision I have previously discussed, a State officer must certify that the State is in compliance with State law. But such a certification should not be considered dispositive—Federal grant administrators must still assess the State's compliance with State law. Thus, the certification does not obviate the need for the Inspector General to carry out an independent assessment of the State's compliance under section 425(a)(3).

Section 424 requires States receiving funds under this subtitle to submit an annual report to the Attorney General identifying the activities carried out with the funds and explaining how each activity complies with the terms and conditions of the grant.

Section 425 directs the Inspector General of the Department of Justice to submit periodic reports to the Attorney General evaluating the compliance of each State receiving funds under this subtitle with the terms and conditions of the grant. In conducting such evaluations, the Inspector General shall give priority to States at the highest risk of noncompliance. If, after receiving a report from the Inspector General, the Attorney General finds that a State is not in compliance, the Attorney General shall take a series of steps to bring the State into compliance and report to Congress on the results.

Section 425(a)(4) provides an opportunity for public comment during the Inspector General's review. This provision is not intended to preclude a member of the public from seeking any other available legal remedy after the Attorney General has made a final determination of whether a State is in compliance with the requirements of the statute.

A special rule is provided in section 425(f) to ensure that any State relying on the Texas-related provision in section 421 is, in fact, complying with its own State law. Under the special rule, if the Inspector General determines that the State is not in compliance, Federal funds that would have otherwise been available to the prosecution function shall be used solely for the defense function. A separate determination by the Attorney General is not required to trigger this special rule.

Section 426 authorizes $75 million a year for 5years to carry out this subtitle. States receiving grants under this subtitle shall allocate the funds equally between the programs established in sections 421 and 422, subject to the special rule in section 425(f) that I just described.

The Justice For All Act is the most significant step we have taken in many years to improve the quality of justice in this country. The reforms it enacts will create a fairer system of justice, where the problems that have sent innocent people to death row are less likely to occur, where the American people can be more certain that violent criminals are caught and convicted instead of the innocent people who have been wrongly put behind bars for their crimes, and where victims and their families can be more certain of the accuracy, and finality, of the results. Once again, I thank my colleagues in both bodies who worked hard to resolve conflicts and congratulate them on this legislative achievement.

MORTGAGE INTEREST DEDUCTION

Mr. SMITH. Mr. President, I rise today to address a topic we have all been contemplating lately, one important to the American people, and one that I hope we will address in the 109th Congress, tax simplification and reform.

As we begin to put our ideas together to simplify Federal income taxes for American individuals, families and small businesses, we should be careful not to remove incentives for investment. While many investment opportunities exist today, perhaps none provides more benefits for individuals, families and communities than the purchase of a home. That is why we must continue to allow taxpayers to deduct the interest paid on home loans from their Federal income taxes.

The mortgage interest deduction is a vital component of our Tax Code. After State taxes, it is the most common deduction. The tax savings individuals

and families receive from financing a home factor strongly into the economic decision people make to buy a house or apartment. In fact, studies have shown that the deduction is critical to young families trying to become homeowners.

According to the Mortgage Bankers Association, the average homeowner has $121,000 in net equity in their home, which represents half of their net worth. Equity in a home is not only a major source of household wealth, but it can also be leveraged to finance goals such as higher education or start-up costs for a small business. Children of homeowners are better educated, less likely to drop out of school, and less likely to be arrested. For these reasons and more, people often tell me that buying their house or apartment is the best investment they have ever made for themselves and their family.

Benefits also extend beyond the homeowner. Due to positive social effects, promoting homeownership has been a bipartisan public policy objective in this country since the 1930s. Regardless of income or other factors, homeowners are more likely to vote, a critical activity to the health of democracy. Studies have shown that municipalities with higher homeownership rates spend more on schools and streets and less on social welfare. Homeowners have a direct stake in the quality of their neighborhoods, work harder to make their community a good place to live, driving out crime, drugs and blight, and attracting investment in cultural, retail and commercial development.

Our Nation's homeownership rate reached a record 69.2 percent in the second quarter of this year. The number of homeowners reached 73.4 million, the most ever. And for the first time, minority homeownership rose above 50 percent. Despite this success, however, homeownership opportunities are not equally available to everyone. For example, while minority homeownership rates have increased, Hispanics and African-Americans still lag significantly behind non-Hispanic whites and Asian-Americans.

As we bring the 108th Congress to a close, I urge my colleagues to give careful thought to America's long-standing tradition of encouraging homeownership. With prudent tax polices we can continue to help citizens on the path to homeownership and in pursuit of the American Dream.

TRAVEL TO THE UNITED KINGDOM, SERBIA AND MONTENEGRO, AND ITALY

Mr. VOINOVICH. Mr. President, earlier this week, I returned from travel to England, Serbia and Montenegro, and Italy, where I joined Senator GORDON SMITH, Senator MIKE DEWINE, Senator CHUCK GRASSLEY and Senator MIKE ENZI as members of the Senate delegation to the fall session of the NATO Parliamentary Assembly.

We first spent time in London to discuss our bilateral relationship and issues impacting transatlantic relations. We met with Prime Minister Tony Blair and his Chief of Staff, Jonathan Powell. We also visited with Secretary of State for Foreign Affairs Jack Straw, as well as Shadow Secretary of State for Foreign Affairs Michael Ancram and Shadow Secretary for International Development Alan Duncan.

I was glad to have the opportunity to meet with the Atlantic Partnership. The Atlantic Partnership is a network of experts from both Europe and the United States who are willing to use their influence to further European-American relations. The Atlantic Partnership's role is to argue for setting major policy decisions in the context of their impact on transatlantic relations, within the context of strengthening the transatlantic relationship.

Fresh off the heels of the elections in the United States, British officials and representatives of nongovernmental organizations were interested in discussing the election results and the President's relationship with the United Kingdom and the European Union. Some expressed concern about the state of these relationships, and they also discussed some of the unhappiness in Great Britain with the war in Iraq. They stressed the need to work in greater cooperation, and indicated that the United States and Europe should look for areas where we share a common cause to tackle issues of concern, such as the promotion of democracy and peace in the Middle East, consolidating gains in Afghanistan, and peace and security and a viable self-government in Iraq.

With the rapidly declining health of Palestinian leader Yasser Arafat, we also spent a great deal of time discussing the Middle East peace process and prospects for moving forward with a settlement between Israelis and Palestinians. There was general consensus that it is important to make progress in the Middle East in order to help stabilize the region. In my view, success in Iraq is critical to this process.

Our time in London underscored the critical work that our diplomatic corps is doing as we move forward with efforts to promote stability and security in Iraq and Afghanistan, and as we continue to fight the global war on terror. We must continue to place a great deal of emphasis on efforts to strengthen our transatlantic relationships. Several British officials made it clear that the country must extend the olive branch and put a new face on diplomacy.

Great Britain is, and will continue to be, a vital ally in the war against terror, and the United States must continue to maintain strong relations with the country. An important aspect of this relationship is a strong representative of the United States Government in London. I am hopeful that the President will soon appoint a new U.S. ambassador to the United Kingdom, who will be a strong advocate for U.S. policy and help convey to the British people the important work that their country is doing as a key ally in Iraq, Afghanistan and other parts of the world.

I now have a better understanding of the United States' perception in the world and our need to continue to engage with our European allies in our diplomatic process. As the Scottish poet Robert Burns wrote, ''Oh, that God would give us the very smallest of gifts, to be able to see ourselves as others see us.''

Following our time in London, we traveled to Kosovo and Serbia and Montenegro. We stopped in Pristina, where we were greeted by Phil Goldberg, who is Chief of Mission of the U.S. Office in Pristina. We were also welcomed by Brigadier General Tod Carmony of Ohio, who serves as the Commander of Task Force Falcon, the American contingent of one of four brigades in the NATO Kosovo mission. I was glad to have the chance to spend time at Camp Bondsteel visiting with the nearly 1,000 members of the Ohio National Guard who are serving as part of KFOR under General Carmony's command. Their work is critical to the security in the region. As former Governor of the State of Ohio, I am pleased that the Department of Defense has so much faith in the Ohio National Guard that they have put them in charge of the U.S. contingent of the KFOR mission.

This was my fourth visit to Kosovo since the end of the military campaign in 1999. I was particularly anxious to assess the situation on the ground following the violence that erupted on March 17, 2004, which claimed 20 lives, displaced more than 4,000 people, including Kosovo Serbs, Ashkalia and others, and resulted in the destruction of more than 900 homes and 30 churches and monasteries belonging to the Serbian Orthodox Church—adding to the more than 100 churches that had already been destroyed during the previous five years.

After the violence broke out, I was on the phone with the State Department, particularly Under Secretary of State for Political Affairs Marc Grossman, demanding that the United States step up its efforts to stabilize the region. During the last several years, I have continued to call on U.S. officials and members of the international community to enhance efforts in Kosovo. As the events in mid-March demonstrated, significant challenges remain. The death and destruction that took place was a tragic and urgent reminder of the work that remains to be done.

Following the violence in March, I urged the United States and members of the international community to redouble efforts to provide a stable and secure environment for all people in Kosovo, and I called for the resignation of the head of the U.N. Interim Administration Mission in Kosovo, UNMIK,

Harri Holkeri. We now have a new team in place. Soren Jessen-Petersen replaced Mr. Holkeri as the Head of UNMIK and the Special Representative of the U.N. Secretary General, SRSG, and U.S. Ambassador Larry Rossin serves as his deputy.

It has been my conclusion that things have not gone well in Kosovo because members of the international community, including the United States, the United Nations, the European Union, and others, have not made it a high priority to stabilize the long-term situation. This has influenced the performance of UNMIK and KFOR.

As the events in March demonstrated, we must do a better job ensuring that KFOR has troops with the necessary training, equipment and authority to carry out its mission. For instance, at present, only 33 of the 55 units in Kosovo are trained to provide crowd and riot control, the most likely type of violence to occur. Of those 33 units, only 22 have the necessary equipment to use their crowd and riot control capabilities. This must be fixed.

It is also important that NATO work to remove national caveats or restrictions, which determine how soldiers from certain countries are able to respond in times of crisis. Brigadier General Carmony assured me that efforts are being made to remove these caveats. I have requested information on this matter, which I will continue to follow-up on in my capacity as a member of the Senate Foreign Relations Committee.

Later in the week, after we arrived in Venice for the NATO Parliamentary Assembly meeting, I also raised the removal of caveats with Ambassador Nick Burns, who serves as our Permanent Representative at NATO headquarters in Brussels, and with NATO Secretary General Jaap de Hoop Schaeffer. It is my understanding that this is not only a problem in Kosovo, but also in Afghanistan and Iraq. If NATO is serious, restrictions must be removed and troops given the equipment they need to provide the needed security.

In addition to making changes within KFOR, I believe it is essential that UNMIK work with Kosovo's political leaders to ensure that the necessary steps are taken to secure an environment where respect for human rights and the rule of law are protected. When I met with UNMIK representatives, I made it clear that things must improve with regard to the enforcement of U.N. Security Council Resolution 1244. Unless we do a better job, minorities will continue to leave Kosovo, and the international community will be a witness as Kosovo moves further away from becoming the free, multi-ethnic and democratic society that we hope will become a reality.

This is not an easy process, but we must take a close look at how we can more effectively move forward in Kosovo. Following the March violence, U.N. Secretary General Kofi Annan asked Norwegian Ambasador Kai Eide to conduct a comprehensive review of the policies and practices of all actors in Kosovo and prepare recommendations to move forward. Ambassador Eide prepared this report, which includes several points of consideration for UNMIK and members of the international community.

In his report, Ambassador Eide recommends prosecuting those responsible for the atrocities in March and completing reconstruction of homes and churches. He also suggests streamlining the standards process, and transferring more authority to Kosovars. Further, Ambassador Eide recommends granting greater control over local areas to the Serbian minority, and he suggests restructuring UNMIK to ensure concentration on key priorities. Ambassador Eide also calls on the European Union to develop an economic development strategy, and he suggests that the international community open a more comprehensive dialogue with Belgrade. Finally, Ambassador Eide recommends that NATO maintain the KFOR presence to ensure a safe and secure environment.

In our meetings, I asked UNMIK officials and Kosovo's political leaders for their reaction to the Eide report. Generally, the responses that I received were positive. As we consider ways to move ahead, U.S. officials and members of the international community should take a close look at the report prepared by Ambassador Eide and consider implementing a number of his recommendations.

While in Pristina, we met with leaders from both the Kosovo Albanian and Kosovo Serb communities. We visited with President Ibrahim Rugova and Bajram Rexhepi, who served as prime minister until parliamentary elections were held in late October. It seems increasingly likely Mr. Rexhepi will lose this position as a new government is formed.

I have met with Mr. Rugova and Mr. Rexhepi on several other occasions, including a visit to Kosovo in May 2002. At that time, I reiterated a plea that I made in February 2000, urging Kosovo's leaders to start a new paradigm of peace and stability for all people in Kosovo. I continue to believe it is essential that minorities in Kosovo, including Serbs, Roma, Egyptians, Bosniaks, Croats, Turks, Ashkalia and others, are able to move about as they wish and live lives free from fear. As such, though it has been more than five years since the end of the NATO military campaign, I was very disappointed that President Rugova did not decry the destruction that took place on March 17th of this year. Until Kosovo's minorities are protected, there cannot be consideration of final status for Kosovo.

We also had the opportunity to visit with Kosovo Serb leader Oliver Ivanovic. Part of our conversation focused on the results of the October parliamentary elections, in which less than one percent of Kosovo Serbs chose to cast ballots. Mr. Ivanovic attributed the poor turnout in part to mixed messages from Belgrade, as well as calls for a boycott from the Serbian Orthodox Church. Many Kosovo Serbs chose to boycott the elections because they feel their lives have not improved by participating in the political process. However, I believe it is crucial that they re-engage, and I encouraged them to get back into the government, take the two seats promised in cabinet, and work to improve the situation for Kosovo's minorities.

I also encouraged Kosovo Serbs to work with Kosovo Albanian leaders and members of the international community to move forward with the reconstruction of churches and monasteries damaged or destroyed in March. The Provisional Institutions of Self-Government have committed 4.2 million for this purpose. However, the Serbian Orthodox Church has withdrawn from the commission charged with the reconstruction of religious sites.

I believe it is important that the Serbian Orthodox Church work with political leaders in Kosovo to find a way forward that is acceptable to all parties to repair and rebuild cultural and religious sites. If this does not happen, it will seriously undermine efforts to move toward a lasting, sustainable peace in Kosovo.

In summary, from all of our discussions in Kosovo, as well as our conversations in Belgrade, it was clear that the question of Kosovo's final status is on everyone's mind. Kosovo Albanian leaders call for immediate independence, while Kosovo Serb leaders argue that this is impossible given the current situation for minorities in the province. Political leaders in Belgrade maintain that Kosovo remains a part of Serbia and Montenegro, while varied opinions exist among members of the international community. Despite different points of view, it is evident that there is a long road ahead as we look to guarantee security and stability for all people in Kosovo. Until minorities are protected, I believe it is very difficult to answer questions about Kosovo's final status.

Following our time in Kosovo, we traveled to Belgrade, where we met with U.S. Ambassador Michael Polt, Serbian President Boris Tadic, Serbian Prime Minister Vojislav Kostunica, President of Serbia and Montenegro Svetozar Marovic, Foreign Minister of Serbia and Montenegro Vuk Draskovic, Serbia and Montenegro's Minister of Defense Prvoslav Davinic, and Serbia and Montenegro's Minister for Human and Minority Rights Rasim Ljajic.

We had good conversations regarding positive developments in Serbia and Montenegro that have taken place during the more than four years since Serbian voters went to the polls and removed Slobodan Milosevic from power in October 2000. Since that time, there has been considerable progress. We have worked with the Paris Club to negotiate favorable terms on debt relief

for Serbia and Montenegro. The United States has extended normal trade relations (NTR), and we have continued to cultivate relations between Washington and Belgrade.

Additionally, along with my colleagues, I was thrilled to see Boris Tadic's clear victory on June 27, 2004 to serve as the next President of Serbia. The significance of this development cannot be overstated. Voters in Serbia embraced democratic reform and European integration and rejected nationalism that has for too long marred the past. It remains my sincere hope that this is a sign of things to come in Serbia and Montenegro.

However, it is clear that challenges remain. Perhaps highest among them is cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). We made clear to Prime Minister Kostunica that he must take a leadership role to ensure that indicted war criminal Ratko Mladic and others are behind bars at The Hague. This is essential if Serbia and Montenegro hopes to move toward Europe's democratic institutions, including the European Union. It is also critical if Serbia and Montenegro chooses to join NATO's Partnership for Peace.

I have been urging Vojislav Kostunica to further cooperation with the War Crimes Tribunal since he became President of Serbia in October 2000, and I continue to call on him to take action on this matter in his capacity as Serbia's Prime Minister. Thankfully, there are those in Serbia, including President Tadic, Foreign Minister Draskovic and others, who understand the importance of ICTY cooperation and are trying to make the case to the Serbian people. I am hopeful that they will prevail in the end, and Serbia and Montenegro will move toward European integration.

On a more positive note, I was glad to hear that economy is slowly improving. This was underscored by the President of the American Chamber of Commerce of Serbia and Montenegro. This is important to the Serbian people, and it will also help to further democratic reforms in the country.

I was also inspired by the good work of nongovernmental organizations, such as the German Marshall Fund's Balkan Trust for Democracy, as well as the charitable work that is being done by Crown Prince Alexander and Crown Princess Katherine.

During my time in Belgrade, I continued to be encouraged by the forward thinking of President Boris Tadic and his advisors, who ran on a platform of democratic reform and European integration. This is the type of agenda that will help to ensure a stable, secure and prosperous future for the people of Serbia and Montenegro.

We concluded our travel in Venice, Italy for the fall session of the NATO Parliamentary Assembly. In my view, this is an important forum where legislators and parliamentarians from NATO member and partner countries gather to discuss transatlantic issues. I have regularly attended these meetings, and I serve as Vice Chairman of the Assembly's Political Committee.

Our participation in the session was limited to the first two days, as we had to return to Washington for work in the Senate for the conclusion of the 108th Congress. However, we had two solid days of work, including meetings with our Permanent Representative to NATO, Ambassador Nick Burns, and NATO Secretary General Jaap de Hoop Schaeffer. We discussed a number of issues impacting the NATO Alliance, including NATO's role in Afghanistan and Iraq, the capabilities and contributions of NATO allies, and the NATO Response Force, among other things.

In celebration of its 50th anniversary, the NATO Parliamentary Assembly convened a special plenary session with the North Atlantic Council. NATO Secretary General de Hoop Schaeffer delivered an impressive speech, in which he challenged delegates to the meeting to encourage their respective constituencies to enhance participation in NATO as the Alliance looks to meet new challenges in Afghanistan, Iraq and the war against terrorism.

As our meeting demonstrated, the NATO Alliance remains strong. NATO is playing a critical role in efforts to promote stability and security in Afghanistan. Many soldiers from our NATO allies are standing alongside American forces in Iraq, and other NATO members are providing training for Iraqi security forces. Moreover, NATO remains integral to peacekeeping missions in the Balkans.

That being said, it is clear that challenges remain as the Alliance reviews its role in Afghanistan and Iraq and the broader war against terrorism, and it is important that we remain engaged and active to help meet these challenges.

THE NISEI INTELLIGENCE WAR AGAINST JAPAN

Mr. AKAKA. Mr. President, the World War II war against Japan has been described in John Dower's book ''War Without Mercy'' as the most savage, bitterly fought racial war in history. Caught in between this epic struggle as innocent victims were the Nisei, American citizens of Japanese ancestry, who were neither accepted nor trusted by both America and Japan. The widespread question and doubt as to their loyalty to America extended to grave uncertainty of whether the Nisei would be willing to fight against an enemy of their same ancestry. This calls for the telling of the little-known story that there were over 6,000 Nisei who more than willingly and resolutely fought against the Japanese enemy during World War II as military intelligence linguists serving in the American and Allied forces. Briefly, this is that story.

As the probability of war against Japan mounted in the summer of 1941, the U.S. War Department realized its deficiencies in the intelligence operations against Japan. The Military Intelligence Service Language School, MISLS, was hastily authorized and created to train linguists skilled in interpretation, translation and interrogation in the Japanese language, established at the Fourth Army Intelligence School located at Crissey Field, Presidio of San Francisco. With a meager budget of $2,000 and an initial enrollment of 60 students, the first classes commenced their studies of military Japanese on November 1, 1941, a scant 5 weeks before the Pearl Harbor attack by Japan. After a grueling 6 months of training, only 45 of the initial enrollment of 60 students survived to graduate in May 1942, 35 of whom were immediately assigned and deployed out to the Alaskan and Guadalcanal campaigns.

From the outset the Army recognized that the American Nisei possessed the best qualifications, competence and potential for Japanese intelligence specialist training, yet harbored grave doubts about the Nisei's loyalty to America. Soon news came back from the field of vast sources of new Japanese intelligence uncovered by a pioneer linguist team lead by Captain John Burden of Hawaii in the battle of Guadalcanal, and field commanders began flooding the MISLS with demands for more Nisei linguists. The need to meet this surging demand for Japanese language linguists led the MISLS in December 1942 to recruit 58 Nisei from the 100th Battalion then training at Camp McCoy, Wisconsin, to secure the transfer of 250 Nisei from the 442nd Regimental Combat Team, RCT, at Camp Shelby, Mississippi, to scour the 10 relocation camps to recruit MIS students from behind their barbed wire enclosures, and to conduct two recruiting trips to Hawaii in June 1943 and February 1944 to enlist over 500 Hawaii Nisei for intelligence training at MISLS.

With the forced evacuation of 110,000 Japanese from the West Coast under Executive Order 9066 in the spring of 1942, the MISLS was transferred to Camp Savage, Minnesota where it continued to recruit, train and graduate successive classes of Japanese linguist specialists at roughly six month intervals totaling some 1,600 graduates. The ever-increasing enrollment overtaxed the facilities at Camp Savage forcing the MISLS to move to larger facilities at nearby Fort Snelling in the spring of 1944. Here, classes training WAC students, oral language training and occupation civil affairs administration were added to the curriculum. By V–J Day in August 1945, 10 classes had been trained and graduated from MISLS at Camp Savage and Fort Snelling and another 3,000 students were enrolled and learning Japanese at the Snelling facilities at that time. In all, during its history MISLS trained and graduated 6,000 students for combat and occupational duty against Japan in World

War II. In June 1946, MISLS was then moved to the Presidio at Monterey, California and was renamed the Defense Language Institute where it teaches over 25 languages in the military intelligence field.

MISLS graduates served in every combat theater and engaged in every major battle fought against Japan during World War II. Nisei linguists were assigned to and served with the United States Army, Navy, Marine Corps and Air Force, as well as with British, Australian, New Zealand, Canadian, Chinese, and Indian combat units fighting on all fronts against the Japanese. Trained for duties as interrogators, interpreters and translators, cave flushers, radio interceptors, radio announcers and propaganda writers, the MIS graduates served as ''the intelligence eyes and ears'' of American and Allied Forces in the war against Japan. The Nisei linguists were sent out to serve in every battle front where war was being waged against the Japanese enemy.

South Pacific Command: Commencing in May 1942 Nisei linguist teams were sent out from Admiral Halsey's command headquarters in New Caledonia to participate in the battle for Guadalcanal where Japan suffered its first defeat, in the invasion of New Georgia and Bougainville and in the encirclement and cut off of Rabaul, New Britain to neutralize Japan's main Pacific stronghold. In April 1943, linguist Harold Fudenna intercepted and translated a Japanese radio message which outlined the schedule of Admiral Isoroku Yamamoto's inspection trip to Bougainville. American P–38 fighters flown out of Guadalcanal intercepted and shot down Yamamoto's plane over Bougainville. General McArthur described this incident as ''one of the singularly most significant actions of the Pacific War.''

Southwest Pacific Command: In July 1942 General McArthur established the Allied Translator and Interpreter Section, ATIS, of his Intelligence Division in Melbourne, Australia to become the largest military intelligence center to wage the tactical war against Japan. Throughout its history over 3,000 Nisei linguists served with ATIS, translating over 350,000 captured Japanese documents and interrogating more than 10,000 Japanese POWs. Nisei language teams were assigned to and participated in the two-year campaign of jungle warfare along the east and northern coast of New Guinea and Borneo, invading and defeating Japanese defenses along the way. The Nisei were part of the invasion of the Philippines in October 1944 where General McArthur made his triumphal ''I have returned'' landing at Leyte. In March 1944, the ''Z'' Plan containing Japan's total defense strategy for the Western Pacific fell into American hands following the fatal crash of Admiral Koga in the Philippines. The document was rushed to ATIS in Australia where two Nisei, Yoshikazu Yamada and George ''Sankey'' Yamashiro, translated the ''Z'' Plan, and copies were distributed to every command in the U.S. Navy.

When the invasion of the Marianas Islands began in June 1944, the counterattacking Japanese aircraft were virtually wiped out by U.S. Navy carrier planes in ''The Great Marianas Turkey Shoot'' by virtue of the prior knowledge of Japanese strategy contained in the ''Z'' Plan.

Southeast Asia Command. (CBI Theater): Nisei linguists joined British, Indian, Chinese and U.S. forces in the China-Burma-India Theater to drive Japanese invaders out of Burma and to reestablish the Burma Road supply lines to China. They were part of the two ground forces in Burma, the Merrill's Marauders and Mars Task Force, performed guerrilla tactics behind the enemy lines with the OSS Detachment 101, provided radio intercept work for the 10th Army Air force, manned the Southeast Asia Translator & Interrogation Center, SEATIC, in New Delhi, India, made propaganda broadcasts for the Office of War Information, and were leased out to the British forces fighting in southern Burma. In China, Nisei MIS performed intelligence services for the ''Dixie Mission'' to Communist China Headquarters at Yenan and OSS Detachment 202 in Kunming, and fought with Chiang Kai Shek's Forces against the Japanese in southwestern China.

Central Pacific Command: Admiral Nimitz organized the ''Joint Intelligence Center Pacific Ocean Area (JICPOA) operating out of Pearl Harbor, staffed by hundreds of Nisei translator/interrogators who were assigned out to serve with the U.S. Army, Navy, Marine and Air Force units waging the Pacific War against Japan. Nisei participated in the amphibious landings and land battles of the Marine Corps to capture Tarawa, Makin, Kwajalein and Eniwetok and were part of Marine and Army attacking units invading and capturing Saipan, Iwo Jima and Okinawa. Nisei radio interceptors flew as crews on U.S. Air Force bombing missions over the Japanese mainland. With their language skills they called into caves at Saipan, Iwo Jima and Okinawa to persuade hundreds of Japanese soldiers and civilian natives to surrender and save their lives without needless mortality. T/Sgt Hoichi Kubo assigned to the U.S. 27th Division entered a cliffside cave alone at Saipan to face 9 armed Japanese soldiers to successfully persuade them not only to release the 120 civilians held captive there but for the soldiers themselves to surrender. Kubo was awarded the Distinguished Service Cross, the highest decoration received by any Nisei in the Pacific War. Nisei linguists attached to the front line of American invading forces not only assumed the normal hazards of combat but also faced the additional danger of being mistaken for an enemy Jap and shot at by their own troops, so they were assigned personal bodyguards at their sides at all times!

Japan's Surrender and Occupation: With the atomic bombing of Hiroshima and Nagasaki, Japan accepted the terms of the Potsdam Declaration and surrendered on August 15, 1945. OSS Nisei like Fumio Kido, Dick Hamada and Ralph Yempuku parachuted down into Japanese POW prison camps at Hankow, Mukden, Peiping and Hainan as interpreters on mercy missions to liberate American and Allied prisoners.

Over 5,000 Nisei served as the vital link between General MacArthur's Occupational headquarters and the Japanese people during the seven year occupation of Japan, contributing to the promotion of peaceful and harmonious relationships between occupation forces and Japanese citizens. Nisei were part of military government offices established all over Japan to ensure proper implementation of occupational policies, interpreting the directives and verifying that local governments carried them out. Nisei buttressed U.S. Army Counter Intelligence Corps efforts to detect and prevent subversive activities against Occupation Forces, screened hundreds of thousands of Japanese soldiers repatriating back to Japan against communist influences, helped design the Land Reform Law, and provided vital translator/interpreter services at the War Crimes Trials against Japanese war criminals. Nisei participated in every major assignment covering military government, disarmament, civil affairs and intelligence and helped to frame the new Japanese Constitution which pledged that Japan would ''forever renounce war as a sovereign right of the nation.'' A personal assessment of the Nisei's role in the occupation is stated by Harry Fukuhara, a combat veteran of the Southwest Pacific campaign and himself a member of the occupation forces, thusly: ''The role of the Military Intelligence Personnel during the Occupation of Japan also was very important in assisting the rapid recovery that helped Japan to be accepted back into the family of nations. Nisei soldiers, with their language fluency and knowledge of Japanese culture and customs, bridged the gap between U.S. forces and the Japanese government. This was one of the key elements contributing to the recovery of war-torn Japan, its people and economy. Nisei efforts also laid the groundwork for the bilateral relationships that exists today between the United States and Japan.''

Summary: Such in brief is the story of the Nisei MIS linguist, America's little known ''secret weapon'' against Japan during World War II. Their story is little known because their identity and their work was conducted under the strictest security and secrecy and their vital role in waging the successful intelligence war against Japan remained classified for until over 30 years after the War. Their role was considered indispensable because they possessed and employed the most effective weapon knowledge to be able to

comprehend and pierce the enemy's complex, difficult language and their services contributed tremendously to the Allied victory. General MacArthur stated that ''Never in military history did any army know so much about the enemy prior to actual engagement.'' On April 1, 2000, the President of the United States bestowed upon the Nisei MIS the Presidential Unit Citation, the highest honor that can be awarded to any military unit. The major part of the citations reads:

The key contributions made by the members of the Military Intelligence Service in providing valuable intelligence on military targets helped advance the United States and Allied cause during World War II and undoubtedly saved countless lives and hastened the end of the war. The significant achievements accomplished by the faithful and dedicated service of the linguistic-intelligence specialist graduates of the Military Intelligence Service will never be forgotten by our grateful nation. Their unconquerable sprit and gallant deeds under fire in the face of superior odds, and their self-sacrificing devotion to duty are worthy of the highest emulation.

The Nisei served with distinction and honor; not a single case of subversion or disloyalty was ever charged against them. Little is known that nineteen Nisei gave up their lives in the line of duty in the Pacific War. They convincingly proved that Japanese Americans were more than willing and able to fight against an enemy of their own race, and validated the truism ''Americanism is not, and never was, a matter of race or ancestry. Americanism is a matter of the mind and heart.''

MULTIVITAMIN USE

Mr. HATCH. Mr. President, over the last several years, a significant and growing body of scientific research has emerged detailing the important role micronutrients play in the prevention of many types of chronic disease.

While the science supporting optimal nutrition for disease prevention has grown, the average American's diet has progressively gotten worse. As we have heard so often, a large percentage of Americans do not eat the right mix of foods to meet the Government's RDIs—or recommended daily intakes.

Our top nutrition priority should be getting people to eat a more varied, balanced diet. However, there is a simple and inexpensive way to help Americans get many of the micronutrients they need—encourage the use of a daily multivitamin. Multivitamins—as a complement to a healthy diet—are a simple, safe and cost-effective preventive measure.

Indeed, several recent studies have shown their efficacy. For example, in June 2002, an article published in the Journal of the American Medical Association recommended that all Americans take a multivitamin daily to help prevent chronic diseases such as heart disease, cancer and osteoporosis. A year late, the Journal of Nutrition published the results of the Stockholm Heart Study, which showed that the use of multivitamins may aid in the prevention of heart attacks.

In March, a study published in the Annals of Internal Medicine found that multivitamin use decreased the risk of infection for people with diabetes. And the science continues to mount demonstrating the potential of daily multivitamin use which can have a whole range of benefits. These include reducing the incidence of neural tube defects by 50 percent or more, decreasing the number of sick days in the elderly due to infectious illnesses by up to 50 percent, delaying or avoiding more than 20 percent of hip fractures caused by osteoporosis, delaying the onset of cataracts and age-related macular degeneration, reducing the incidence of heart disease, stroke and possibly Alzheimer's, and protecting against some types of cancer.

Additionally, I would like to recognize a study that was commissioned by Wyeth Consumer Healthcare and conducted by The Lewin Group. The study examined the potential cost savings—within the Medicare health care model—that could occur if more of our aging population took a daily multivitamin. This study also served as a means for evaluating the impact daily multivitamin use can have on preventive health, particularly in the areas of cardiovascular disease and immune function. The results of the study indicate that increased multivitamin use by adults over 65 could result in an estimated savings to Medicare of more than $1.6 billion over a 5-year period.

Research shows that a significant number of elderly in our country do not receive proper amounts of essential vitamins, minerals and other nutrients, making them more vulnerable to disease and infection. By adding a multivitamin to their diets, seniors—and all Americans—can help ensure they get the nutrients they need to stay healthy.

While it is always prudent for an individual to take supplements in close consultation with his or her health care advisers, it is obvious from the research that dietary supplements continue to have important health care benefits for consumers and policymakers alike.

I ask unanimous consent that the attached release outlining the Lewin study printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW STUDY FINDS INCREASED MULTIVITAMIN USE BY THE ELDERLY COULD SAVE MEDICARE $1.6 BILLION

WASHINGTON, Oct. 2, 2003.—The results of a new study released today show that the daily use of a multivitamin by older adults could lead to more than $1.6 billion in Medicare savings over the next five years. The study, funded by Wyeth Consumer Healthcare and conducted by The Lewin Group, was presented at ''Multivitamins and Public Health: Exploring the Evidence,'' a meeting which brought together leading experts from government agencies, top research universities and health advocacy organizations to examine the current science supporting daily multivitamin use and help chart the course for future research.

The study, the first of its kind, included a systematic literature review of the most rigorous research available and examined the health effects of multivitamin use among adults over 65 years old. The researchers used an analysis of Medicare claims files and widely accepted Congressional Budget Office (CBO) cost accounting methods to determine the costs and potential savings, monetizing the potential preventive health benefits of multivitamin supplementation.

''We were able to identify significant cost savings based on improved immune functioning and a reduction in the relative risk of coronary artery disease through providing a daily multivitamin to the 65 and over population,'' said Allen Dobson, Ph.D., senior vice president and director of Healthcare Finance at The Lewin Group. ''In my experience, finding any cost savings for preventive measures is unusual and finding cost savings of this magnitude is very rare.

Over the five-year period from 2004–2008, the study results show potential savings from a reduction in hospitalizations for heart attacks, as well as from a reduction in hospitalizations, Medicare nursing home stays and home healthcare associated with infection.

While the evidence most strongly supports the beneficial effects of multivitamins in improved immune functioning and a reduction in the relative risk of heart disease, researchers also reviewed literature that examined the preventive benefits of multivitamin supplementation as it relates to colorectal cancer, prostate cancer, diabetes and osteoporosis. These other conditions were not included in the cost estimation, however, because the research currently available in these areas did not support a direct translation from health effect to reduced heath care utilization within a health insurance framework.

These disease states, along with a wide range of additional topics, were among the themes at the Multivitamins and Public Health: Exploring the Evidence meeting yesterday. The invited panel of multidisciplinary thought leaders reviewed the current state of the science and discussed the role multivitamins play in reducing the risk of developing chronic disease, as well as their role in immunity and public health. They came to the following conclusions:

Most Americans do not get optimal amounts of key micronutrients through diet alone, despite the evidence that poor nutritional status increases the risk of birth defects, and infectious and chronic disease;

Daily multivitamins should be recommended to help close this nutritional gap;

Multivitamins are safe, affordable, cost-effective and accessible;

There is promising evidence supporting multivitamin use for the prevention of some chronic diseases such as cardiovascular disease, making it prudent to recommend that all adults take a daily multivitamin.

''Despite our efforts to maintain a healthy diet, research indicates most of us fall short of getting the vitamins and minerals we need,'' said David Heber, M.D., Ph.D., director of the UCLA Center for Human Nutrition and a co-chair of Multivitamins and Public Health. ''A daily multivitamin is a simple and cost-effective way to help ensure good health.''

''The current research indicates that multivitamins can help protect against the cell damage that makes us vulnerable to the development of many diseases common among older adults,'' said meeting co-chair Jeffrey Blumberg, Ph.D., a professor in the

Friedman School of Nutrition Science and Policy at Tufts University. ''Multivitamins are a safe and effective tool for the promotion of health and prevention of chronic disease.''

Multivitamins and Public Health: Exploring the Evidence, a two-day meeting held October 1–2, 2003, in Washington, D.C., brought together leading health and nutrition experts from government agencies, top research universities and health advocacy organizations to examine the state of the science supporting daily multivitamin use and help chart the course for future research. The meeting was co-sponsored by the Gerald J. and Dorothy R. Friedman School of Nutrition Science and Policy at Tufts University and the UCLA Center for Human Nutrition and was supported by a grant from Wyeth Consumer Healthcare.

The Lewin Group, a wholly owned subsidiary of Quintiles Transnational, is a nationally recognized health care and human services consulting firm in Falls Church, Va. The firm specializes in helping public and private sector clients solve complex problems in healthcare and human services with policy analysis, research and consulting.

MISSED OPPORTUNITIES

Mr. LEVIN. Mr. President, as we near the end of the 108th Congress, I must express my disappointment that this Congress has failed to pass sensible gun safety legislation. By ignoring these bills we are missing opportunities to increase the security of our families, communities, and particularly our police officers.

The greatest of these missed opportunities has been the failure to reauthorize the 1994 Assault Weapons Ban. On September 13, 2004 this legislation expired, allowing 19 previously banned assault weapons, as well as firearms that can accept detachable magazines and have more than one of several specific military features, such as a folding/telescoping stock, protruding pistol grip, bayonet mount, threaded muzzle or flash suppressor, barrel shroud or grenade launcher to be legally sold again. Common sense tells us that there is no reason for civilians to have easy access to guns with these features.

Earlier this year, I joined with the majority of my Senate colleagues in passing an amendment to reauthorize the assault weapons ban for another 10 years. However, the bill to which it was attached was later derailed. Despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, bipartisan support in the Senate, and the pleas of Americans who have already lost loved ones to assault weapons tragedies, the ban was allowed to expire, as the President and the Republican congressional leadership were unwilling to act.

We also missed the opportunity to close the gun show loophole. Under current law, when an individual buys a handgun from a licensed dealer, there are Federal requirements for a background check to insure that the purchaser is not prohibited by law from purchasing or possessing a firearm. However, this is not the case for all gun purchases. For example, when an individual wants to buy a handgun from another private citizen who is not a licensed gun dealer, there is no requirement that the seller ensure the purchaser is not in a prohibited category. This creates a loophole in the law, making it easy for criminals, terrorists, and other prohibited buyers to evade background checks and buy guns from private citizens. This loophole creates a gateway to the illegal market because criminals know they will not be subject to a background check when purchasing from another private citizen even at a gun show.

I cosponsored an amendment offered by Senators REED and MCCAIN which would have closed the gun show loophole because I believe it is a critical change needed to prevent guns from getting into the hands of criminals and other ineligible buyers. This amendment would have simply applied existing law governing background checks to individuals buying firearms at gun shows. Like the amendment to reauthorize the assault weapons ban, the bill to which the amendment was attached was later defeated, and despite the fact that a bipartisan majority of Senators voted in support of closing the gun show loophole, Republican leadership has refused to schedule another vote on the issue.

This Congress has also failed to consider several other pieces of sensible gun safety legislation which would make it more difficult for convicted criminals to gain access to firearms. One such bill, the Military Sniper Regulation Act, would change the way .50 caliber guns are regulated by placing them under the requirements of the National Firearms Act. This would subject these weapons to the same regimen of registration and background checks as those weapons regulated under the National Firearms Act. These powerful weapons can accurately hit targets a mile away and tighter regulation is needed to prevent them from falling into the wrong hands.

Another bill not considered in the 108th Congress, the National Instant Criminal Background Check Improvement Act, would have provided funding to fix the hole in the current NICS background check system caused by the failure of many states to computerize and update their criminal history records. This failure can result in delays for some who lawfully seek to purchase a gun as well as an inability to block gun sales to some unlawful purchasers. To fix this problem, States need adequate funding to input and update criminal history data. This bill would have authorized $1 billion to help states do just that.

Unfortunately, the 108th Congress has retreated from the goal of creating a safer nation by keeping dangerous guns off of our streets. Instead of strengthening laws that would help prevent future gun crimes and terrorist attacks, Congress has allowed legislation like the assault weapons ban to expire, giving potential criminals and terrorists easier access to powerful weapons. The 108th Congress's record on gun safety is not one of which to be proud. I will continue to work toward passing sensible gun safety legislation to help make our communities more safe. I hope that next year in the 109th Congress, the Republican congressional leadership and the President will begin to work with the bipartisan majority who want to enact sensible gun safety legislation.

WHERE TO NEXT?

Mr. BENNETT. Mr. President, in the next several weeks I will be visiting Europe to meet with government and business leaders in London, Paris, and Brussels. I believe the United States' relationship with the European Union and the states of Europe is of supreme importance. America's economic, security, political, and institutional links with Europe are stronger and deeper than with any other region of the world. Recently, the importance of this relationship was explained very well in an article written by the Honorable James Elles, who is a Member of the European Parliament.

I ask unanimous consent that Mr. Elles's article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ON EU/US RELATIONS: WHERE TO NEXT?

Once the race for the US Presidency is finally over, the new President and his advisors will move from reflecting on the results of a successful campaign and will look for the conduct of policy in the months ahead.

What are the immediate priorities with which to deal on both the domestic and foreign fronts? How, for example, should economic growth best be fostered? How are priorities to be handled in far away places such as Iraq, Afghanistan and Palestine? What is to be the real objective of the four-year mandate by which he would like to be judged as being a truly successful President?

As these questions are being mulled over between now and the Inaugural address early next year, he might reflect that thinking is taking place across the other side of the Atlantic on many of the same issues. Although the incoming Commission President has not yet got the approval of the European Parliament for his new team, he will be also considering how to answer a similar set of questions.

How similar are the policy challenges for the incoming EU and US administrations? Is it correct that Europe is swamped, as many would have us believe, by a huge anti-American wave generated by hostility to the Iraq War? Or is there an extensive common agenda which could be drawn up in the next few weeks and serve as a basis for joint action over the period 2005–2008?

Certainly, there is no shortage of potential flash points in external policy which the pessimists can draw attention to and which are already on the transatlantic agenda. The war against terrorism will certainly be at the top of the US agenda, in its continued search for ensuring domestic security.

In this context, the run-up to elections in IRAQ will require steel nerves. So will their aftermath, in particular, determining what

role European Governments will wish to play in a military and financial capacity. Hot on the heels of this dilemma will be the question of IRAN. How will the new US administration wish to address this issue? Will it be happy to let the Europeans take the lead or will it wish to take a more active approach as some suggest should be done?

Linked to both these questions is the overall pursuit of peace in the MIDDLE EAST. What has become of the initiative to bring European and American involvement together to make progress in the Broader Middle East? Should for example the roadmap be resuscitated?

Last but not least is the question of ECONOMIC ASSISTANCE to both Afghanistan and Africa (a potential priority for the G8 next year). How should this best be coordinated by the two major global donors—the EU and the US—who contribute about 80% of the world's assistance programmes?

This is all enough to cause indigestion. Certainly more questions are posed than answers are available. Even if cooperation is seen to be highly desirable, with the aim of moving from a transatlantic community of values to a community of action, how can it be done?

The best chance available to the incoming administrations is, as they say, not to start from here. These problems have been around for many months and will be around for many more.

A recently released document published by the Transatlantic Policy Network (TPN) lays the groundwork for a potentially successful approach to deepening joint cooperation between the EU and the US.

At the outset, it recommends a strategy which articulates a common purpose, building on strengths and reinforcing linkages while accommodating differences. This is based on the recognition of growing linkage between the partners' economic, defence and security, and political interests.

In short, should strengthened partnership be a shared goal, if so a bold new agenda for economic collaboration needs to be linked with a commitment to enhanced joint action on the highest shared political priorities.

What does this mean? Avoid well known areas of dispute such as a free trade area (FTA) and focus instead on what already exists to a large degree—the transatlantic market. The TPN document recommends deepening and broadening the transatlantic market, with a view to its completion by 2015.

An accelerated 2010 target date should be set for financial services and capital markets; civil aviation; the digital economy; competition policy and regulatory cooperation.

Furthermore, there should also be provision for a broad security partnership between the EU and the US, together with a mutually reinforcing interface between the EU and NATO.

Last, but not least, there should be put in place, by 2007, an enhanced basis for cooperation between the two partners—a transatlantic partnership agreement—building on the 1995 New Transatlantic Agenda and reflecting the strategy proposed.

Is this approach realistic and practical? Maybe surprisingly, the broad outlines of this approach have already been approved by the European Parliament in May 2004.

The economic option has the great advantage that most of the elements are already in place: the administrations are jointly consulting stakeholders as to how to remove the remaining barriers to trade and investment. Given the more than quadrupling of cross investment over the past 10 years, the process of interdependence between the EU and the US is not likely to slacken.

The vital ingredient for the success of this proposal is the factor of political will. Will transatlantic leaders take a fresh look at how to bring the EU and the US together before getting sucked into the daily grind of politics?

Perhaps the best advice for the incoming Commission President would be to pay a short informal visit in early January to Washington. This should be not just to compare notes but also to put forward a joint plan which will allow Europeans and Americans to work as closely as possible in the interests of their peoples in the years ahead.

H.R. 5365

Mr. GRAHAM of Florida. Mr. President, I urge my colleagues to support H.R. 5365, a bill that will ensure the continuation of YMCA pension plan that has provided participants retirement security for more than 80 years. The Senate passed a bill, S. 2589, that Senator BUNNING and I worked to move earlier this year. The House of Representatives has now sent over a bill introduced by Representatives ENGLISH and POMEROY that closely follows the intent of the Senate bill. I am pleased that this effort has been a bipartisan one in both bodies of Congress. I hope this legislation will be enacted promptly.

I also thank Finance Committee Chairman GRASSLEY and Ranking Member BAUCUS for their assistance in bringing this bill to the floor today. The YMCA pension plan is an excellent example of how retirement security can be provided through employer-sponsored plans.

This is a bill about protecting the retirement security for thousands of YMCA employees and retirees. There are 27 YMCA's in Florida, over 977,843 members and over 4,400 plan participants and retirees. The retirement security provided by the YMCA pension plan is critical to these people and their families, as well as over 80,000 plan participants across the country.

This country could learn much from the retirement security provided by the YMCA pension plan. As I have stated, the YMCA pension plan is a very significant part of each YMCA employee's compensation package, most of who are modestly paid. The YMCA pension plan exemplifies how our Nation should think about providing solid, substantial retirement security.

I also want to extend my thanks to the Treasury Department and IRS, for their patience while the Congress worked through finding a solution to ensure the YMCA pension plan could continue to offer the benefits to its participants and retirees.

In closing, I encourage all of my colleagues in the Senate to support this bill, and I am pleased that we are moving forward with this legislation today and look forward to its enactment soon.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

Mr. BIDEN. Mr. President, much of the Senate's attention this week was consumed with completing lingering business, be it, appropriations bills or debt extension. In contrast, I rise today to ask my colleagues to cast their eyes forward to a new matter that we must focus on when Congress reconvenes in January—the reauthorization of the Violence Against Women Act. As most know, I consider the Violence Against Women Act the single most important legislation I've championed during my 30-year tenure in the Senate. I care deeply about this law, and take seriously my responsibility to ensure it is funded and renewed.

After more than 5 years of hearings, and legislative drafts and redrafts, in September 1994, the Congress passed and President Clinton signed into law the Violence Against Women Act. The Violence Against Women Act created new Federal criminal laws addressing domestic violence and rape, and established discretionary grant programs within the Department of Justice and the Department of Health and Human Services for State, local, and Indian tribal governments and non-profit service organizations. The Violence Against Women Act of 2000 renewed these programs, made targeted improvements to certain provisions and introduced new initiatives.

Since the bill was enacted, we've witnessed an incredible transformation in State and Federal criminal and civil law enforcement, communities' victim services, and societal attitudes towards domestic violence and sexual assault. In 2004 alone, Congress spent $520 million for Violence Against Women programs. Over the past decade, nearly $3.8 billion has been appropriated to make women's homes and communities safer.

We've made extraordinary progress in ending violence against women and its devastating impact on families. With the passage of the Violence Against Women Act we started talking about that dirty little secret that no one wanted to say out loud. A rape victim or battered wife can now turn to a trained police officer, an emergency room nurse, or a 1–800 Hotline operator. We transformed private ''family matters'' into public crimes with true accountability and meaningful victim services.

The Violence Against Women Act is working. Since its enactment, domestic violence has dropped by almost 50 percent. Incidents of rape are down by 60 percent. The number of women killed by an abusive husband or boyfriend is down by 22 percent. More than half of all rape victims are stepping forward to report the crime. Over a million women have found justice in our courtrooms and obtained domestic violence protective orders. The signs of success abound.

But progress is not enough. Sadly, domestic violence and sexual assault persist. As more and more brave women are stepping forward to report a rape or seek a restraining order against an abusive husband, more demands are

placed on women's shelters, state prosecutors, courtroom victim advocates, and other resources. We cannot let the Violence Against Women Act become a victim of its own success. Instead, it must be soundly and quickly reauthorized next year.

Despite best efforts, a complete bill reauthorizing the Act is not yet ready for introduction today. However, a draft is near completion. I am listening closely to those on the front lines—police, trial judges, emergency room nurses and many others—and making targeted improvements to existing grant programs and tightening up criminal laws. We are learning about the new challenges and the persistent problems of old. A wide variety of groups are working with me to put together the next iteration of the Violence Against Women Act, including the National Coalition Against Domestic Violence, the National Network to End Domestic Violence, the Family Violence and Prevention Fund, the Pennsylvania Coalition Against Rape, Legal Momentum, the National Alliance to End Sexual Violence, the American Bar Association's Commission on Domestic Violence, the National Association of Attorneys General, the National Center for Victims of Crime, National District Attorneys Association, the National Council on Family and Juvenile Court Judges, the National Association of Chiefs of Police, the National Sheriffs' Association and the American Medical Association.

The Violence Against Women Act of 2005 that I intend to introduce at the commencement of the next Congressional session is a comprehensive and ambitious bill that will move our country forward in our fight to end family violence. The reauthorization will include at least nine titles. Major components of title I on the courts and crime include provisions to: 1. renew existing foundational programs for law enforcement, lawyers, judges and advocates; 2. stiffen existing criminal penalties for repeat federal domestic violence offenders; 3. appropriately update the stalking criminal law to incorporate new surveillance technology like Global Positioning Systems (GPS); and 4. ensure that offender re-entry programs develop procedures and resources for prisoners with a history of family violence. Title II on victim services would, among other items: 1. create a new dedicated program for rape crisis centers; 2. reinvigorate programs to help older and disabled victims of domestic violence; and 3. strengthen existing programs for rural victims and victims in underserved areas.

I am particularly heartened by new titles that deal with children and teenagers. Reports indicate that from three to ten million children are experiencing domestic violence in their homes each year. Treating children who witness domestic violence, dealing quickly with violent teenage relationships and teaching prevention to children and teenagers are keys to ending the violence.

In some instances, women face the untenable choice of returning to their abuser or becoming homeless. Indeed, 44 percent of the Nation's mayors identified domestic violence as a primary cause of homelessness. In response, efforts to ease the housing problems for battered women are contained in my draft bill.

Doctors and nurses, like police officers on the beat, are often the first witnesses of the devastating aftermath of abuse. As first responders, they must be fully engaged in the effort to end the violence and have the tools they need to faithfully screen, treat and study family violence. My bill would strengthen the health care system's response to family violence with programs to train and educate health care professionals on domestic and sexual violence, foster family violence screening for patients, and more studies on the health ramifications of family violence.

Leaving a violent partner often requires battered women to achieve a level of economic security. The next iteration of the Violence Against Women Act should seek to help abused women maintain secure employment, insurance coverage, and child support resources.

In addition, my bill would improve and expand the immigration protections for battered women. I am very appreciative of Senator KENNEDY's leadership and expertise on this issue. In addition, it would ensure that victims of trafficking are supported with measures such as permitting their families to join them in certain circumstances, expanding the duration of a T-visa, and providing resources to victims who assist in investigations or prosecutions of trafficking cases brought by State or Federal authorities. Finally, my bill will focus more closely on violence against Indian women and suggest ways to better coordinate services to Indian women.

I am pleased to be working on such a thorough effort to renew the Violence Against Women Act. I believe this bill raises important issues, and pushes local and federal policymakers to ask what more should be done for battered women and their children. In the coming weeks, I look forward to working with my colleagues on both sides of the aisle to craft a compromise measure. Senator HATCH and the Judiciary Committee's new Chairman, Senator SPECTER and Ranking Member Senator LEAHY, have long supported the Violence Against Women Act and I am confident that we will work together to create an effective reauthorization bill. I also appreciate the efforts in the House of Representatives including those of a long-standing champion of the Violence Against Women, Representative CONYERS.

ACCOUNTABILITY FOR THE ABUSE OF FOREIGN DETAINEES

Mr. LEAHY. Mr. President, nearly 7 months after the world learned of the atrocities at Abu Ghraib, those of us in the Congress who strongly believe that oversight and accountability are paramount to restoring America's reputation as a human rights leader remain stymied in our efforts to learn the truth about how this administration's policies trickled down from offices in Washington to cellblocks in Abu Ghraib.

The Bush administration circled the wagons long ago and has continually maintained that the abuses were the work of ''a few bad apples.'' I have long said that somewhere in the upper reaches of the Executive branch a process was set in motion that rolled forward until it produced this scandal. To put this matter behind us, first we need to understand what happened at all levels of government. It is the responsibility of the Senate to investigate the facts, from genesis to approval to implementation and abuse. However, this Senate, and in particular the Judiciary Committee, continues to fall short in its oversight responsibilities.

Several of the investigations into U.S. detention policies are now complete. They provide additional insight into how the prison abuses occurred, but their narrow mandates prevented them from addressing critical issues. Overall, these investigations collectively suffered from a lack of scope and authority, leaving key inquiries into issues like contractor abuses and ''ghost detainees'' unexplored.

Ultimately, what emerges from the reports is a striking contradiction. The reports state that there was no official policy of abuse and they do not recommend punishment for high-ranking officials. And yet, the reports show that decisions made by top officials, including the President himself, led to the abuses that occurred in the fields of battle.

Recently, a Federal judge, recognizing the importance of government accountability, ordered the Bush administration to comply with a Freedom of Information Act—FOIA—request and release all documents related to the detentions at Abu Ghraib prison. Many of the documents released by the Administration are heavily redacted, yet reveal enough information to raise serious concerns.

One of the released documents, an FBI report dated May 19, 2004, illustrates a troubling pattern in this scandal. The redacted version of this document states that FBI employees at Abu Ghraib reported witnessing incidents such as ''military personnel retraining a detainee who was 'spread eagle' on a mattress on the floor yelling and flailing . . . a detainee, either naked or wearing boxer shorts, lying prone on the wet floor . . . [and] detainees who were ordered to strip and then placed in isolation with no clothes.'' These practices potentially violate the Geneva Conventions and clearly violate the FBI's own interrogation rules, yet the agents did not believe they ''rose to the level of misconduct or mistreatment.''

On May 20, 2004, I asked Director Mueller at a Judiciary Committee hearing whether any of his agents had encountered objectionable practices involving the treatment of prisoners in Iraq, Afghanistan or Guantanamo Bay. He limited his answer to Abu Ghraib, stating that none of his agents had witnessed abuses in that facility. I wrote to Director Mueller on October 29, 2004, asking him to clarify the discrepancy between his congressional testimony and the information contained in the FBI memo. I also requested unredacted versions of all of the FBI documents released in response to the FOIA request. I have not received a response.

I remain concerned about reports of prisoner abuses that have occurred since the Abu Ghraib scandal was publicly disclosed. Attorneys working on behalf of a group of abused prisoners sent letters to members of the Senate Armed Services Committee on September 8, 2004, and to Vice Admiral Albert Church on October 13, 2004, notifying them that torture may have continued after the Abu Ghraib abuses were uncovered. I sent a letter to Secretary Rumsfeld on October 29, 2004, asking him for assurances that the abuse of detainees has not continued and that all interrogation techniques now being used in U.S. detention facilities comply with international treaty obligations and U.S. laws. Again, I have not received a response. I hope that we do not learn of continuing abuses, yet given all that we have seen and all that we have yet to learn, I am still not confident that the problems have been solved. I ask unanimous consent to have printed in the RECORD these three letters.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LEAHY. Allowing senior officials to avoid accountability sets a dangerous precedent. It is time for Congress, even this Republican led Congress, to do its job and take action. We must send a message that no one in the chain of command—from an enlisted private stationed in Iraq to the commander-in-chief—is above the laws of our Nation.

Soon, the Senate will consider the nomination of Alberto Gonzales for the position of Attorney General. The Judiciary Committee, which has jurisdiction over the Department of Justice, will consider this nomination first. As I have said many times, and as I deeply regret, the Committee has all but abdicated its oversight role with regard to the issue of foreign detainee abuse. Last June, on a party-line vote, Republicans defeated an effort to obtain documents regarding the development of interrogation policies that we believed to be in the possession of the Department of Justice.

Some of us had also asked Judge Gonzales, in his role as White House counsel, to release documents that we believed relevant to our investigations. It is true that the White House and Department of Justice released a small number of documents last summer, but that self-serving subset of the memoranda offered a mere glimpse into the genesis of the scandal. All of those documents should have been provided earlier to Congress, and still much more remains hidden away from public view.

Judge Gonzales's role in formulating the administration's policies on the detention and treatment of prisoners in U.S. custody overseas is an issue of significant concern. His January 25, 2002, memo to the President argues for a radical shift in our longstanding policy to apply the Geneva Conventions to foreign prisoners. He later defended this memo, stating that it only applied to al Qaeda and Taliban. As he stated in a June 22, 2004, news conference, ''in Iraq, it has always been U.S. position that Geneva applies . . . [B]oth the White House and Department of Defense have been very public and clear about that.''

Unfortunately, we have to ask Judge Gonzales if the Geneva Conventions are actually being applied in Iraq. An October 24, 2004, story in The Washington Post reveals yet another Justice Department memo that relied upon questionable legal reasoning in order to authorize actions that potentially violated the Geneva Conventions. The draft memo, dated March 19, 2004, was written at the request of Judge Gonzales, apparently in order to authorize the CIA to transfer detainees out of Iraq for interrogation—a practice expressly prohibited by the Geneva Conventions. I look forward to discussing these memoranda, as well as other policy decisions, in more detail with Judge Gonzales as we consider his nomination.

With the consideration of this nomination, the Judiciary Committee has the opportunity to redeem itself. In my conversations with Judge Gonzales earlier this week, I have expressed to him the need for our questions to be answered. I believe that other members of the committee, on both sides of the aisle, are troubled by certain Administration policies and are disturbed by the evidence of prisoner abuse. I hope that the Committee will fulfill its oversight responsibility now.

U.S. SENATE,
Washington, DC, October 29, 2004.

Hon. DONALD RUMSFELD,
Secretary of Defense,
Washington, DC.

DEAR SECRETARY RUMSFELD: As you know, I have closely monitored the numerous ongoing and completed prisoner abuse investigations instigated by the Pentagon, but remain skeptical that these investigations will uncover the full truth. Each of these probes is limited in scope or authority and, therefore, none will comprehensively investigate the abuse of detainees.

I am particularly concerned about the status of the ongoing Pentagon investigations. In a Defense Department press briefing on August 25, 2004, General Paul J. Kern said the release of Admiral Albert T. Church's report was expected by September 20, and would ''fill the gaps and seams.'' That same day, in a separate Pentagon briefing, a senior Army official said the Church report should be complete by mid-September and the Formica report ''should be out soon.'' As of October 29, 2004, neither investigation has been released. In addition, Lt. Gen. David W. Barno stated in a Pentagon briefing on October 19, 2004, that the report by Brigadier General Charles Jacoby is complete, but it has not been released.

The delay in the completion and public release of these investigations raises two significant concerns. The first is whether the investigations were extended due to the discovery of abuses that previous investigations failed to uncover, or the discovery of abuses that may have occurred since this scandal was revealed in April. I recently received a copy of a letter submitted to Vice Admiral Church suggesting that abuses by soldiers and/or contractors continued even after the abuses at Abu Ghraib were reported by the press in late April. That letter is attached. My second concern is whether the release of the reports is being delayed for political reasons. I would like to believe this is unlikely, but previous experience suggests otherwise. The Schlesinger and Fay-Jones reports were released in the middle of a month-long congressional recess, the Army Inspector General's report received little attention because it was released on the same day as the 9–11 Commission Report. Without any additional information, I am forced to wonder whether the remaining reports are being withheld until a politically expedient time.

In order to better understand the current status of the ongoing Pentagon investigations, I ask that you provide the requested information and respond to the following questions by November 15, 2004. I have not received a response to the letter I sent you on October 1, 2004. 1 remain concerned about the issues raised in that letter, which still awaits your reply.

1. Please provide the current status and expected completion and release dates for all ongoing investigations into the abuse of detainees.

2. Please explain why the investigations conducted by Vice Admiral Church, Brigadier General Jacoby, and Brigadier General Formica are delayed beyond their expected completion and release dates.

3. Has any ongoing investigation discovered incidents of abuse that were not previously reported by the completed investigations?

4. Has any ongoing or completed investigation discovered incidents of abuse that have occurred since the Abu Ghraib prison abuse scandal was reported by the press on April 28, 2004?

5. Can you assure me that all interrogation techniques now being used in U.S. detention facilities comply with international treaty obligations and U.S. laws?

As stated above, I request that you answer these questions by November 15, 2004. Thank you for your prompt attention to this matter.

Sincerely,

PATRICK LEAHY,
U.S. Senator.

SEPTEMBER 8, 2004.

Senator JOHN WARNER,
Chair, U.S. Senate Armed Services Committee, Russell Senate Office Building, Washington, DC.

Senator CARL LEVIN,
Ranking Member, U.S. Senate Armed Services Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATORS WARNER, LEVIN, AND MEMBERS OF THE COMMITTEE: On behalf of the hundreds of thousands of people in Iraq, thank you very much for holding these hearings on the torture and abuse of prisoners in Iraq. It is a great public service.

We represent the class of persons tortured in Iraq in a civil lawsuit brought against the two government contractors who participated in the torture, CACI International, Inc. and Titan Corporation.

We have learned from direct interviews conducted in Iraq in August 2004 that the torture CONTINUES despite the publicity surrounding the revelations of the Abu Ghraib torture. We are enclosing for your information a detailed summary of facts relating to the recent torture. As you will see from reviewing the summary, it is clear that torture HAS and IS transpiring at multiple, previously undisclosed, locations in addition to Abu Ghraib.

We respectfully request that you place this letter and attachment into the hearing record.

We also respectfully request that the investigation into the detainee abuses continue and be expanded to include locations other than Abu Ghraib. We ask that you hold additional hearings and permit us or our clients, the victims, to testify about what has and is transpiring. We suggest that those hearings include questioning of representatives from CACI International, Inc. and Titan Corporation, the two corporations shown by the military's investigation to be complicit in the torture.

Please do not hesitate to contact either of us if you have any questions about the incidents described in the attachment.

SUSAN L. BURKE,
Montgomery, McCracken, Walker & Rhoads, LLC.
SHEREEF H. AKEEL,
Melamed, Dailey & Akeel, P.C.

MONTGOMERY, MCCRACKEN, WALKER & RHOADS, LLP,
Philadelphia, PA, October 13, 2004.

Re Incidents of Torture and Abuse.

VICE ADMIRAL ALBERT T. CHURCH, III,
Naval Inspector General, Office of the Naval Inspector General, Washington DC.

DEAR ADMIRAL CHURCH: We are part of the legal team prosecuting a class action seeking to hold government contractors CACI and Titan Corporation accountable for their role in the Iraqi prison scandal. As part of that effort, we have been interviewing detainees who have been tortured or abused. We have learned of many instances of torture by Americans (both military and civilian) that do not appear to be the subject of any ongoing military investigation.

We are attaching for your information a report that summarizes eleven such incidents. We would very much appreciate learning when investigations have been commenced with respect to the incidents described in the attached report. We also have additional incidents to report to whomever you designate as the appropriate person to receive the information.

Based on the information we have learned, it is clear that Abu Ghraib prison was not the only prison where detainees have been and are being tortured. It is also clear that the publicity surrounding the Abu Ghraub photographs did not prevent torture from continuing to occur.

As I trust you know and as explained in the enclosed affidavits signed by two experienced military interrogators, using torture during interrogation harms not only the victims but also places American troops in grave danger. We are very concerned that not enough action has been taken to halt past practices. Given that the conduct at issue clearly violates the Geneva Conventions and United States law, we find the insufficient oversight troubling.

We look forward to hearing from you or your staff.

Sincerely,

SUSAN L. BURKE.

UNIVERSITY OF SOUTH DAKOTA SCHOOL OF NURSING DESIGNATED AS A NATIONAL LEAGUE FOR NURSING CENTERS OF EXCELLENCE PROGRAM

● Mr. JOHNSON. Mr. President, I acknowledge a recent accomplishment in my home State of South Dakota. I am pleased to share with this body that the University of South Dakota, Department of Nursing has recently been awarded the prestigious honor of being designated as one of three National League for Nursing, Centers for Excellence in the United States for 2004–2007.

The National League for Nursing, Centers of Excellence is designed to distinguish those schools that demonstrate innovation in nursing research and education. The award requires that beneficiaries be committed to continuous quality improvement in their programs. Being acknowledged by the National League in this regard indicates a firm commitment by the school as a whole to pursue and sustain excellence in student learning, faculty development, and nursing education research. I am pleased that the USD Department of Nursing has earned such a high honor, which is clearly the result of the hard work and dedication of the faculty, staff, and students.

The associate degree nursing program at the University of South Dakota is a State-funded program that is available at the main campus in Vermillion, SD and campuses in Sioux Falls, Rapid City, Pierre and Watertown. In addition, the program has a distance education partnership with the Good Samaritan Society in Nebraska, Kansas, Iowa, Minnesota, North Dakota and South Dakota. There are over 525 students enrolled in the nursing program, and 400 of those students are in communities away from the main campus in Vermillion. Such out of state partnerships coincides with the NLN mission to continually advance quality nursing education throughout the three years the school carry the NLN Center of Excellence designation.

I am pleased with the USD Nursing School's excellent work in training and mentoring future health care providers. Nurses are an essential component of the health care team and the work of the school will ensure that in the years to come South Dakota will have access to these important health professionals. I look forward to the progress and outcomes that will result from this 3-year designation, and once again commend the hard work of the faculty, staff, and student body who continuously strive towards improving the health and well being of their communities.●

VETERANS DAY, 2004

Mr. GRAHAM of Florida. Mr. President, it is vital that we pause to remember Veterans Day, which was observed by this Nation last week. While our brave troops are protecting our freedom around the world, it is especially important that we honor those who have served before them. We owe our 25 million living veterans our heartfelt appreciation for answering the call to duty and serving this Nation in the United States Armed Forces. And, this Nation must never forget the ultimate sacrifice paid by so many of our soldiers, sailors, airmen and marines.

Today, as it should be, military service is being held in high regard. The ongoing events in Afghanistan and Iraq have renewed America's sense of gratitude toward the men and women of the Armed Forces for the great sacrifices they make everyday on behalf of our Nation. I personally want to thank all of our veterans and members of the Armed Forces for their selfless service to this country.

As we observe Veterans Day, let us remember that we owe our veterans our honor and respect year around. It would be truly shameful if veterans felt forgotten except for this one day per year. There must be no wavering in our commitment toward those who served in the United States Armed Forces.

I am proud to represent the State of Florida. Florida has one of the highest veteran populations in the country. I am fortunate to represent not only the almost 2 million veterans of Florida, but veterans all over this Nation. It has been my sincere pleasure and honor to serve as ranking member of the Committee on Veterans' Affairs for these past 2 years, and it is my hope that my term on the Committee has benefited those men and women who have sacrificed and served on behalf of this grateful Nation.

Throughout my tenure on this committee, I have fought very hard for improvements in benefits and services to veterans. I constantly think of Abraham Lincoln's pledge, ''to care for him who shall have borne the battle and for his widow and his orphans.'' It is especially fitting that in the shadow of Veterans Day comes the passage of important veterans health and benefits legislation by both Chambers of Congress. We must continue to advance benefits and health care for our Nation's bravest individuals and their families. This recently passed legislation will improve and expand a host of veterans benefits, including: survivors benefits for spouses with dependent children; housing benefits; and educational benefits for Guard and Reserve members, veterans, and spouses of veterans killed on active duty. I am proud of this legislation and hope that future Congresses continue to provide veterans with a wide array of necessary benefits and services and strive to meet their evolving needs. Our veterans deserve no less.

On Veterans Day, and everyday, we should honor those who have worn the uniforms of our Nation. They are the best of the best.

NEW WAKE UP CALLS ON GLOBAL WARMING

Mr. LEAHY. Mr. President, over the last few weeks, we have all gotten a loud wake up call about the changes taking place around the world due to global warming. Unfortunately, the Bush administration is still turning a deaf ear to these alarms.

It baffles me that anyone can still deride or ignore the signs of global warming. It's even more astonishing that some people are even touting the benefits of global warming. Better access to oil and gas resources does not make up for flooded coastlines and the loss of entire species.

Yet the administration is still burying its head and hiding behind claims of insufficient research. Despite the overwhelming scientific evidence put forward in two reports released by the Arctic Council and the Pew Center, the President is still running away from his original campaign pledge to cut greenhouse gas emissions.

In fact, the administration's top climate official reacted to these two new assessments of global warming by saying caps on greenhouse gases would not happen during this administration. Period.

These two reports clearly show that we cannot wait any longer. We cannot spend another four years hiding from the truth and delaying solutions. According to the Arctic Council report, temperatures have risen by up to 7 degrees in the last 50 years and the snow cover has declined 10 percent over the last 30 years.

These changes not only have a dramatic effect on Arctic communities, but they also threaten the economy and environment of the rest of the world.

In my corner of the globe, climate models predict that New England's temperatures could rise by ten degrees over the next century.

In its practical effects on us and on our daily lives, that is even greater than it sounds. That is greater than any climate change experienced in our region in the last 10,000 years. In New England, our economy and environment are directly linked. Tourism is one of the top economic drivers in Vermont. Global warming threatens the revenues generated by the leaf-peepers who visit our communities in the fall, the skiers who arrive in the winter, and the anglers and boaters who come in the summer.

Climate models predict that New England forests will become populated mostly by oak and hickory. We will lose the brilliant red, orange and yellows of maple and birch trees.

Ski areas will have shorter seasons and will have to invest much more of their revenues in snowmaking. As our lakes and streams become more acidic and polluted, the attraction for anglers will decline.

Climate changes will also affect the heart of Vermont's working landscape—the thousands of family-run farms, maple sugar operations and small woodlots. Milder winter temperatures will bring more exotic pests that threaten our forests, worse air quality will degrade our soils, and more severe weather—such as flooding and ice storms—will damage farms and forests.

The maple sugar industry supports a $100 million annual economy in our state and 4000 seasonal jobs. If climate models play out, this industry could be wiped out as sugar maples recede from all U.S. regions but the northern tip of Maine by 2100.

But even before that, sugarmakers are going to see their operations affected by warming. As every Vermonter knows, you need cold nights and warm days to get the sap to run. Climate changes have already shortened the tapping season by almost a month.

Although the changes predicted for New England are still several years—and, I dearly, dearly hope, decades away—we must act now if we are to prevent them.

I applaud the actions taken by New England states to control greenhouse emissions, but our states cannot do it alone. We are all in this together. The Bush administration must act. Congress must act.

I hope that the two recent reports from the Arctic Council and the Pew Center will prompt the White House and the Congress to recognize the responsibility we all have to future generations as well as to our own generation to start now.

Passage of the Climate Stewardship Act is a first step, and it is one that I hope we can take next year.

Mr. DORGAN. Mr. President, one area in which the Department of the Treasury should increase their activities is in supporting U.S. financial service firms in opening up markets for our products in other countries. In some of the most important financial markets in the world the Department of the Treasury does not have personnel whose principal responsibility is to assist American financial service firms expand their presence in those markets. The Department should establish Financial Attaches in the following important capital markets:

Brussels: The expected pace of change in the EU financial markets in the next few years and the complexity of capital markets legislation now in formation justifies a focused U.S. presence at the center of the newly expanded EU.

London: London's capital markets play a critical role in the global economy and foreign exchange markets.

Shanghai: The rapidly growing Chinese economy might present significant opportunities for U.S. firms, but recent experience has shown that such opportunities will not materialize without vigorous insistence that China abide by its commitments. It is critical that the U.S Treasury Department have an on-the-ground presence in China.

I look forward to working with my colleagues and the Department of Treasury to establish financial attaché positions in Brussels, London and Shanghai and to expand opportunities for U.S. firms.

PRIVATIZATION OF AVIATION SECURITY SCREENERS

Mr. AKAKA. Mr. President, today the Transportation Security Administration, TSA, will begin receiving applications from U.S. airports that wish to participate in the Screener Partnership Program. This program will allow airports to hire security screeners employed by private-sector companies to provide baggage and passenger security screening at their facilities for the first time since September 11, 2001.

In the aftermath of the attacks of 9/11, security screening at U.S. airports was federalized because commercial airplanes were turned into guided missiles. Those attacks demonstrated that the then current airport security system was not working. Less than two weeks later, the Government Accountability Office, GAO, testified before the Senate Commerce Committee that screeners were deficient at detecting threatening objects and were not given sufficient training by employers and access controls to secure areas in airports were weak.

The congressional conferees of the Aviation and Transportation Security Act, ATSA, also concluded that ''a fundamental change (is required) in the way (the U.S.) approaches the task of ensuring the safety and security of the civil air transportation system.''

It is the responsibility of the administration and the Congress to ensure that aviation security does not fall back to the pre-9/11 status quo. Congress understood the need to evaluate how well a federalized workforce would compare to a privately employed workforce prior to allowing privatization which is why the ATSA included a 3-year screener pilot program involving five U.S. airports.

Despite this pilot program, the Department of Homeland Security Inspector General testified at a House Transportation and Infrastructure Committee hearing on April 22, 2004, that there was not sufficient basis to determine conclusively whether the pilot airport screeners performed at a level equal to or greater than that of the federal screeners. GAO, also testifying at the hearing, said, ''Little performance data is currently available to compare the performance of private screeners and federal screeners in detecting threat objects.'' Before the Nation's airports return to commercially hired and trained screening workforces, we must make sure there has truly

been adequate analysis of the performance of private airport screeners prior to allowing privatization.

In a November 16, 2004, press release announcing the commencement of its Screener Partnership Program, TSA stated, ''An evaluation earlier this year concluded there was little difference in the performance or cost of the private and federal screening forces.''

TSA is relying on a study that both the DHS IG and GAO found to be inconclusive. Given the high stakes involved in airport security, I am concerned that the decision to begin this program is being made without sufficient data.

In addition, I have concerns about TSA's ability to award and administer contracts with private screening companies based on a September 2004 DHS IG report that found TSA mismanaged a contract with Boeing to install Explosive Detection Systems, EDS, and overpaid Boeing by approximately $49 million. According to the IG report, contractor performance was not evaluated for each year of the contract until approximately a full calendar year later. Most troubling is that TSA rejected some of the IG's key criticisms, which makes me question the manner in which it will manage future contracts. Moreover, I believe we must also consider whether contractual mismanagement could lead to lapses in security. Are the right standards and policies in place to ensure that private screeners will provide the same security as federalized screeners, and is TSA equipped to enforce them?

As the ranking member of the Financial Management Subcommittee and the Armed Services Readiness Subcommittee, I have long worked on the challenges of Federal acquisitions. I want to make sure that DHS, which is a composite of 22 legacy agencies, has the people and tools needed to solicit and manage the Screener Partnership Program. Just this week I contacted Secretary Ridge to express my concern about the $49 million overrun of the Boeing EDS installation contract. That wasted money could have gone a long way towards helping Honolulu International Airport in my home State of Hawaii install inline EDS machines.

My interest is to improve the management of contracts and the collection of timely and accurate information and to stop erroneous and improper payments to contractors. For that reason I was pleased to work with my good friend, Senator FITZGERALD, in passing legislation to bring the Department of Homeland Security under the Chief Financial Officers Act, CFO. The Department runs the risk of becoming a morass of hidden contract costs and poorly managed programs without a strong CFO to ensure accountability and transparency.

I would, however, like to commend TSA for honoring a commitment made by Admiral Stone at his confirmation hearing before the Governmental Affairs Committee that Federal screeners at airports which chose to use a private workforce give TSA screeners the right of first refusal for jobs. It is important that the substantial investment made by the Federal Government in the hiring, the training, and the deployment of Federal screeners not go to waste.

I plan to monitor very carefully how this plan develops, both in terms of the level of security provided to the traveling public and the level of transparency and accountability of the contracts.

PROPOSED CONSOLIDATION OF FLIGHT SERVICE STATIONS

● Mr. JOHNSON. Mr. President, today I express my concerns regarding Federal Aviation Administration proposals to consolidate and outsource the actions currently executed by our Nation's Flight Service Stations.

Flight Service Stations are staffed by highly trained specialists and play an important role in providing pilots with valuable weather briefings and enroute communications, as well as facilitating search and rescue services. Each air traffic specialist is trained to understand the rapidly changing weather and geographic patterns of their area. Their expertise has kept flights running smoothly and has literally saved lives.

In 1997, the Federal Aviation Administration completed a 16-year effort to consolidate Flight Service Stations, reducing their total number from 318 sites to 61 sites. Since July 2002, the FAA has been developing studies regarding the outsourcing and further consolidation of 58 of the remaining 61 stations, excluding the three stations in Alaska. The FAA has announced that a final decision regarding the fate of these 58 Flight Service Stations will be made before March 17, 2005, possibly as soon as January.

I have received letters, phone calls, e-mails, and visits from South Dakotans concerned about the FAA's proposed actions. After the first consolidation in 1997, Flight Service Station sites in Aberdeen, Rapid City, Watertown, and Pierre, SD, were closed. Closure of the Flight Service Station in Huron, the last in South Dakota, would leave pilots isolated from weather updates, emergency assistance, and other vital notices. Weather is the leading cause of aviation accidents and the greatest contributor to fatalities. South Dakota cannot afford the loss of this crucial site.

My concerns and the concerns of South Dakotans are echoed in our State's legislature. In February 2004, the South Dakota Legislature approved a concurrent resolution supporting the Flight Service Station in Huron, SD, and encouraging efforts to preserve its functions. Additionally, our Governor has publicly expressed his opposition to the possible outsourcing of operations conducted at the Flight Service Station.

Flight safety is paramount and must be the most important factor in any decision that is made. However, it is the concern of many in my State that the proposed action will be detrimental to flight safety. I strongly urge the FAA to reevaluate their plans to allow for the continued effectiveness of Flight Service Stations.●

HOUSE PASSAGE OF THE INTERNET TAX NON-DISCRIMINATION ACT

Mr. LEAHY. Mr. President, I am pleased that the House of Representatives passed today the Internet Tax Non-Discrimination, Act, S. 150, clearing this bipartisan bill for its signature into law by the President. This bipartisan legislation will continue to support electronic commerce by keeping it free from discriminatory and multiple State and local taxes and from Internet access taxes.

I am proud to be a cosponsor and strong supporter of this compromise legislation to extend for the next 3 years the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce. In addition, our bipartisan bill will safeguard fees for universal service and 911 or E–911 services and does not affect the emerging technology of Voice Over Internet Protocol, VOIP. I thank Senator WYDEN, Senator ALLEN, Senator MCCAIN, Representative COX, Representative SENSENBRENNER, Representative CONYERS, and others for their leadership on this legislation.

The Internet has changed the way we do business. Today businesses can sell their goods and services all over the world in the blink of an eye. E-commerce has created new markets, new efficiencies and new products.

The growth of electronic commerce is everywhere, and it has been important to the businesses and the economy of my home State of Vermont. For example, the Vermont Teddy Bear Company, which employs more than 300 Vermonters, sells online 60 percent of its bears during its two busiest times of the year for Valentine's Day and Mother's Day. That is 60 percent of all Vermont Teddy Bears sold online during this busy time.

Hundreds of Vermont businesses are selling online, ranging from Al's Snowmobile Parts Warehouse to Ben & Jerry's Homemade Ice Cream. These Vermont cybersellers are of all sizes and customer bases, from Main Street merchants to boutique entrepreneurs to a couple of famous ex-hippies who make great ice cream.

What Vermont online sellers have in common is that Internet commerce allows them to erase the geographic barriers that historically limited our access to major markets. With the power of the Internet, Vermonters can sell their products and services anywhere and at any time.

Although electronic commerce is beginning to blossom, it is still in its infancy. Stability is the key to reaching its full potential, and carving out new

tax categories for the Internet is exactly the wrong thing to do.

E-commerce should not be subject to new taxes that do not apply to other commerce. Indeed, without a moratorium, there are 30,000 different jurisdictions around the country that could levy discriminatory or multiple Internet taxes on E-commerce.

Let's not allow the future of electronic commerce—with its great potential to expand the markets of Main Street businesses—to be crushed by the weight of discriminatory or multiple taxes.

Extending the bar on Internet access taxes will help Vermonters end the digital divide and help Vermonters compete for better jobs. Earlier this year, the University of Vermont released a study that found only 39 percent of Vermonters who earn less than $20,000 a year have personal computers, while 67 percent of Vermonters who earn more than $35,000 a year own personal computers. And 92 percent of Vermonters who do own a computer are connected to the Internet. We have to close this digital divide for Vermonters to have the skills for the good-paying jobs of the 21st century.

The Internet Tax Nondiscrimination Act will bar Internet access taxes and multiple or discriminatory taxes on goods and services sold over the Internet to provide the stability necessary for electronic commerce to flourish, and to help close the digital divide for all Americans.

PERMANENT NORMAL TRADE RELATIONS FOR ARMENIA

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the Miscellaneous Tariff bill, in particular a provision granting Permanent Normal Trade Relations to Armenia.

Armenia is a critical U.S. ally in the Caucus region and PNTR will significantly strengthen bilateral relations and spur economic growth and prosperity in Armenia. It allows Armenian products continued access to the U.S. market at low tariff rates and will go a long ways towards offsetting the impact of Turkish and Azeri blockades that cost Armenia as much as $720 million annually.

Simply put, this means jobs and rising living standards for Armenians who want to stay in their country and create a better tomorrow for their children. Armenians have worked so hard to overcome the horrors of the past to build a country based on values Americans and Armenians both share: freedom, democracy, open markets, respect for human rights and the rule of law. We should stand behind those efforts.

I am proud to represent over a half million Armenian Americans in California. They are a strong, vibrant community who have enriched the culture of our State and participated in every aspect of its civic life.

I urge my colleagues to join me in supporting PNTR for Armenia.

RETIREMENT OF CLARE COTTON

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the outstanding contributions made to the Commonwealth of Massachusetts by Clare Cotton, president of the Association of Independent Colleges and Universities in Massachusetts. Next month, Clare will retire after 17 years of impressive service and advocacy on behalf of 55 Massachusetts colleges and universities, their students, and faculty.

In fact, Clare's contributions to higher education reach far beyond our State. His dedication, knowledge, and passion for education have improved the lives of countless students in communities across America. It is difficult to consider any aspect of policy in higher education without thinking of Clare and calling upon his expertise. All of us who know him will miss him greatly.

Clare's leadership in higher education is based on his brilliant intellect, his love of learning, and his sound political instincts. In conversation, he could call up specifics of accounting regulations governing private colleges and universities, refer to undergraduate enrollment trends in science and math, and discuss the impact of both on a pending piece of legislation.

His work in 1997 as a member of the National Commission on the Cost of Higher Education is still cited by leaders of all sectors in the field. Need-based aid never had a better advocate than Clare, when he served first as a member and then as chairman of the congressionally authorized Advisory Committee on Student Financial Assistance during 2002 and 2003.

Whatever the issue, Clare is adept at assessing its political and economic cost to students and institutions, and he has championed colleges and universities and their students for nearly all of his professional life.

His impressive contributions have earned him distinguished status in the national associations of Colleges and Universities, and he has served in leadership positions in two of these organizations. Almost no policy decision could be made without Clare's wise counsel and support.

Clare's brilliant career was very much honed at the local level. From 1977 to 1987, he was president of the Boston-Fenway Program, an urban planning group of 12 non-profit educational, cultural and medical institutions. Long before it became fashionable, Clare helped build an educational consortium that was able to maximize scarce financial resources and enhance both the quality and depth of these landmark institutions in Boston. Community policing in Boston was born through Clare's work with the Fenway consortium.

Earlier in his career, Clare had also been a writer and a journalist. He was director of European Securities Publications in London during the 1960s, and he also served as a correspondent for The Wall Street Journal.

Anyone in our nation who hopes for a better life and sees college education as the means for achieving it owes Clare Cotton a tremendous debt of gratitude. Our colleges and universities and Congress alike have benefited from his wise counsel, gentle humor, tireless dedication, and skillful advocacy. I wish him a long and happy retirement with his wonderful wife Helen, their four remarkable children, and their nine grandchildren, and I salute him for all he has done so well for Massachusetts and our country.

INTERNET ACCESS TAX MORATORIUM

Mr. ENZI. Mr. President, the Internet plays a critical role in today's global economy. It allows us to work harder, faster, and more efficiently. With the click of a mouse, we can seal business deals, send birthday cards, and buy cars. We have come to rely on its ability to connect us with people and places around the world. Today Congress cleared an important piece of legislation that will help keep the internet affordable and accessible for all Americans.

Today's passage in the House of S. Con. Res. 146, which amends S. 150, signals the end of months of long and difficult negotiations. I would like to commend my colleagues, Senators ALLEN, WYDEN, ALEXANDER, CARPER, VOINOVICH and MCCAIN for their commitment to this issue. Their hard work has allowed us to pass a fair and reasonable moratorium on internet access taxes. The moratorium will protect all Internet users, regardless of connection platform, while ensuring that states and localities do not lose billions in tax revenue.

The moratorium on internet access taxes is necessary now because broadband technology is still in its infancy in many parts of the country. In Wyoming, we have a number of small towns where Internet service is limited to 14.4 Kbps dial-up service. At that speed, it takes all day to download one song—a song that was legally obtained, of course. The only way we are going to improve the availability of broadband services in places like rural Wyoming is by eliminating unnecessary and burdensome taxation and regulation. Consumers in every part of the country want and deserve internet access. The internet access tax moratorium will make sure they can afford to subscribe to whatever service is available. I am confident that as more consumers spend their hard-earned money on Internet services, the cable companies, telephone carriers, satellite providers and other Internet service providers, ISPs, will invest more of their money in deploying high-speed broadband services.

Renewing the Internet tax moratorium is important for consumers, but it is also a major issue for states and local communities that rely on certain tax revenue from telecommunications.

These state and local governments have made the decision to tax certain services and, as a former mayor and State legislator, I respect their ability to do so. However, I agree with my colleagues that Internet access is a special service that should be tax free. The difficult part is trying to define what ''Internet access'' actually is. We have spent months listening to telecommunications providers, consumers, and local officials define what telecommunications services are and when and where telecommunications taxes should start and stop. Not surprisingly, the groups have disagreed more often than not. Despite the struggle, I believe we came up with a reasonable compromise on the definition and the grandfather clauses, which will give our state and local governments the time they need to phase out taxes imposed prior to the moratorium.

Now that we have passed the moratorium on Internet access taxes, I am anxious to refocus some of our energy on a bill I introduced in both the 107th and 108th Congresses. The Streamlined Sales and Use Tax Act would simplify the extremely cumbersome network of State sales and use taxes and help States begin to recover from years of budgetary shortfalls. The bill would authorize States that have signed the Streamlined Sales and Use Tax Agreement and have passed legislation simplifying their tax system to require all sellers to collect and remit sales taxes.

My streamlined bill, which has 20 cosponsors this year, is a critical bill that many of my colleagues are learning more about and recognizing its growing importance as Internet usage explodes. Two years ago the revenue loss attributed to the Internet sales tax loophole was fairly minimal. Today, the revenue loss has ballooned as online and other remote sales have increased. The States have responded to this budget crisis by signing the Streamlined Sales and Use Tax Agreement and implementing legislation that drastically simplifies their sales and use tax systems. In fact, 21 States have already signed into law the necessary implementing legislation, while 8 others are currently in the process of doing so.

As the States continue to make progress on reforming their sales tax systems, I would urge Congress to make progress on a bill that will provide to the states the authority they need to collect their own taxes. I intend to introduce the Streamlined Sales and Use Tax Act again next year and hope to work with the Finance Committee Chair and other members of the Senate to pass it into law.

In the meantime, I am pleased we will have in place a moratorium that recognizes the importance of the Internet and will allow it to grow and prosper in the coming years.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

HONORING DR. RICHARD AXEL

● Mrs. CLINTON. Mr. President, I rise today to honor Dr. Richard Axel, the co-recipient of the 2004 Nobel Prize for Physiology or Medicine. Dr. Axel received this prize for research that he and his co-recipient Dr. Linda Buck conducted on the ways in which our brains process smells. Drs. Axel and Buck are pioneers in the field of sensory biology, and have contributed much to our knowledge of how humans comprehend olfactory information. Their prize-winning research was conducted at Columbia University Medical Center, where Dr. Axel is a University Professor of Biochemistry and Molecular Biophysics and Pathology.

Dr. Axel grew up in Brooklyn and received his earliest training at Manhattan's Stuyvesant High School. Because of his interest in science, he found a job as a glassware washer at a Columbia medical research facility, where he was soon promoted to a research position. By the time he graduated from Columbia College, his work had already been published in scientific journals. Dr. Axel has spent the majority of his subsequent career performing neuroscience research at Columbia University.

I would like to note that Dr. Axel's prize is the latest in a series of distinguished scientific honors earned by residents of New York. The 2003 Nobel Prize for Chemistry was awarded to Dr. Roderick MacKinnon of Rockefeller University, and in 2000, Dr. Eric Kandel of Columbia University was one of the recipients of the Nobel Prize for Physiology or Medicine.

Next month, Dr. Axel will travel to Stockholm to accept the 2004 Nobel Prize for Physiology or Medicine. I ask that all of my colleagues join me in congratulating Dr. Axel for receiving this tremendous honor. I look forward to learning of the future discoveries that will result from Dr. Axel's groundbreaking research.

I ask that an article about Dr. Axel from In Vivo, the Columbia University Medical Center campus newspaper, be printed in the RECORD following my remarks.

A LIFE IN SCIENCE REWARDED

(By Susan Conova)

Discoveries made at CUMC about the sense of smell go beyond providing a description of what most people think is merely an aesthetic sense. Instead, understanding how the brain distinguishes among a bewildering array of different odors gives scientists a much greater understanding of how the brain works.

''Odors generate specific behaviors and specific thoughts and how that happens is still an unsolved and fascinating mystery in brain science,'' says Richard Axel, M.D., University Professor of Biochemistry and Molecular Biophysics and Pathology and recipient of the Nobel Prize in Physiology or Medicine on Oct. 4. ''Knowing how our perceptions of the external world, including smell, impact our emotions and our behavior will be extremely important in thinking about diseases like schizophrenia to understand how the brain works.''

When Dr. Axel and his former postdoctoral researcher Linda Buck, Ph.D., of the Fred Hutchinson Cancer Research Center and a professor at the University of Washington in Seattle, began their work in the late 1980s, very little was known about the sense of smell.

In 1985, Dr. Buck came across a paper describing the unsolved question of how odors are detected in the nose and was immediately hooked by ''the monumental problem and a wonderful puzzle.''

''This paper opened up a fascinating new world for me,'' she wrote earlier this year in the journal Cell. ''It was estimated that humans could perceive 10,000 or more chemicals as having distinct odors. How could the olfactory system detect such an enormous diversity of chemicals? And how could the nervous system translate this complexity of chemical structures into a multitude of different odor perceptions?''

The questions would remain unanswered unless the receptors responsible for picking up odorants in the air were identified. In 1988, Dr. Buck, working in Dr. Axel's lab at P&S, started tracking them down.

Several initial attempts failed. ''Linda was an extremely creative and tenacious Fellow,'' Dr. Axel says. ''The solution to this problem took quite a long time, but the thoughtfulness of her approach made me think she would eventually succeed.''

In 1991 Drs. Axel and Buck broke the field open when they published a paper describing an enormous family of genes in mice that coded for 1,000 different receptors. The study was reported in newspapers and other news media worldwide. Later work revealed about 350 functional receptor genes in humans.

''We were quite surprised that up to 5 percent of the genome was taken up by odor receptors,'' says Dr. Axel, also a member of Columbia's Center for Neurobiology and Behavior. ''That's a sharp distinction to the three genes that the visual system uses to discriminate several hundred different hues. It shows that a system like the visual system would be inadequate to distinguish among the rich variety of odors in the environment.''

Gerald Fischbach, M.D., executive vice president and dean, says the finding ranks among the most important discoveries of the past 50 years: ''The discovery of the genes opened up a field of sensory biology that didn't exist before.''

Once the receptor genes were identified, both researchers independently moved to the more complex question of how the brain knows what the nose smells, with the support of the NIH and the Howard Hughes Medical Institute, where the two are investigators. Their labs and others have revealed that part of the answer is that each odor produces a unique spatial pattern, or map, of neuronal activity in the brain's olfactory center. If the olfactory center was laid out like a map of the United States, it would be as if the aroma from a rose would light up Boston, New York, and San Francisco, while rotting food would light up Los Angeles and Denver.

The question now, Dr. Axel says, is figuring out how an organism uses these odor maps. We can look down at the maps of activity in an organism's brain and see what it's smelling, but how does the process actually work within an organism? ''To know that the world is interested in our work will, I think, intensify our efforts toward reaching an answer,'' Dr. Axel says.●

ADDITIONAL STATEMENTS

CONGRATULATING DR. RHONA CAMPBELL FREE

● Mr. DODD. Mr. President, today, congratulate Dr. Rhona Campbell Free,

an economics professor at Eastern Connecticut State University. Yesterday, Dr. Free was honored by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching as one of four recipients of the U.S. Professors of the Year Award. I would like to congratulate Dr. Free, as well as Dr. Douglas Cooper, a professor of chemical engineering at the University of Connecticut, the winner of the Professor of the Year award for the State of Connecticut.

This award is the only national honor that specifically recognizes excellence in teaching and mentoring at the undergraduate level. Over 300 nominees for the award were evaluated on their impact and involvement with students, their scholarly approach to teaching, their contributions to undergraduate education, and support from their colleagues and students.

Dr. Free, who received her doctorate from the University of Notre Dame, has taught economics at ECSU since 1983. During that time, she has distinguished herself among her peers through her commitment to her students and to teaching. She helped found the Connecticut Consortium for Learning and Teaching, a statewide organization devoted to promoting excellence in teaching. She is also a member of the Connecticut Campus Compact, which focuses on service learning.

Dr. Free's students know her as a professor who brings ideas from different academic fields into her classroom, and who creates new and innovative courses such as Economics of Professional Sports. She has also devoted her time and energy to improve academic advising and freshman orientation at ECSU. Her methods, techniques, and enthusiasm have won praise from fellow professors and students alike. In 2001, she was awarded the university's Distinguished Faculty Award.

Dr. Rhona Free is truly an inspiration, not only to students and teachers, but to all of us who strive to make this country a better place for our children and grandchildren. In a demanding profession, she has gone above and beyond her duties and responsibilities to truly make a difference in the lives of not only her own students, but students and professors throughout the State of Connecticut. I congratulate her on her accomplishments, and I wish her continued success in the years to come.●

TRIBUTE TO MS. JUDITH MAYNARD

● Mr. LEAHY. Mr. President, I wish to pay tribute to an extraordinary Vermonter, Ms. Judith Maynard, who was recently named a National Distinguished Principal. As one of 65 principals chosen nationwide, this award places Ms. Maynard in an elite class of educators.

Ms. Maynard has dedicated her life to the education and well-being of Vermont children. After working her way through an undergraduate and two masters' degrees at the University of Vermont, she launched her career as an educator. For the past 26 years, Vermont students have benefited from her extraordinary leadership. She has served as the principal of Chamberlin School in South Burlington, Vermont for the last eleven years and headed the Folsom School in South Hero for 10 years before that.

At Chamberlin, Ms. Maynard sought out grant money to hire the district's first school social worker—helping prevent problems at home from damaging students' performance at school. She has reworked the school's curriculum to provide focused, cohesive instruction across grade levels. She has made a priority of spending as much time as possible with her students, personally tutoring them in math and never saying no to those students who want to read a book with her or discuss losing a tooth. And she has fought to ensure that her young students have access to a nutritious breakfast at school, providing them with the fuel they need to successfully get through the school day.

The impact of her efforts is clear. Standardized test results on mathematics problem solving for fourth-graders at her school have jumped in the last 2 years from 48 percent achieving the benchmark of success in 2002 to 70 percent in 2004. These are impressive gains by any measure.

Ms. Maynard's leadership demonstrates the importance of having strong, dedicated principals in each of our schools. Providing vision, direction and support to all who work under the schoolhouse roof ensures that our children receive the best possible education. Together they provide our children with the skills and confidence needed to achieve their goals and lead happy, meaningful lives. America's future depends on the efforts of exceptional educational leaders like Judith Maynard. I congratulate her for her success and salute her for her tireless dedication to the children of Vermont.●

TRIBUTE TO SPECIALIST JEREMY F. REGNIER, LITTLETON, NH

● Mr. GREGG. Mr. President, I rise today to remember and honor SP Jeremy F. Regnier of Littleton, NH for his service and supreme sacrifice in the service of his country.

Specialist Regnier demonstrated a willingness and dedication to serve and defend his country by joining the National Guard soon after this country was attacked in September 2001. Just as many of America's heroes have taken up arms in the face of dire threats, Jeremy too, dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life, but earned him a place on the roll call of honor within the pantheon of heroes this country has produced.

Following basic training and a tour in the National Guard, Jeremy joined the regular Army as a Bradley Vehicle Crewman and was assigned to various units, eventually joining his comrades in 4th Battalion, 5th Air Defense Artillery Regiment, 1st Cavalry Division. From this unit's home base in Fort Hood, TX, he would deploy in March 2004 to Iraq in pursuit of those who would threaten our way of life.

Throughout his short career, Jeremy developed a long list of accolades and experiences which testify to the dedication and devotion he held for the Army, his fellow soldiers, and his country. With tours in New Hampshire, Korea, Texas, and Iraq, Jeremy's expertise contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Jeremy was recognized for his service by the Bronze Star Medal, the Purple Heart Medal, the Army Achievement Medal, the Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Korean Defense Service Medal, the Army Service Ribbon, and the Overseas Service Ribbon.

My condolences and prayers go out to Jeremy's family, and I offer them my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their soldier, SP Jeremy Regnier. Jeremy exemplified the words of Daniel Webster who said, ''God grants liberty only to those who love it, and are always ready to guard and defend it.'' Because of his efforts, the liberty of this country is made more secure.●

TRIBUTE TO JIMMY RAY LOYLESS

● Mr. JOHNSON. Mr. President, I rise today to pay tribute to Jimmy Loyless, who has worked as a congressional fellow in my office since January of 2004. On behalf of my staff and the people of South Dakota, I would like to thank Jimmy for his hard work, his dedication, and his considerable contributions to my State and to this great Nation.

Jimmy chose a Presidential election year to join our staff to work on banking and tax issues, and he has spent the past year learning about what can and can't happen in the United States Senate in a politically charged atmosphere. Jimmy left the Federal Deposit Insurance Corporation, his home for the past 24 years, to spend a year learning about the legislative process. And what a year it has been.

Jimmy came on board around the time that a series of scandals rocked the mutual fund industry, and almost immediately Jimmy was called upon to sit through a long series of hearings and witnesses. While learning the nitty-gritty of an industry may not be the most glamorous of duties, I am hopeful that at the very least, Jimmy learned a thing or two that may help

him manage his own finances as well. In the end, Congress chose to let the Securities and Exchange Commission work through a series of regulatory changes to clean up the industry, but I am confident that the Committee's thorough investigation played a key role in forcing both the SEC and the industry itself to adopt critical changes to protect small investors.

Jimmy also got a close-up view of how Congress crafts tax legislation. For the better part of a year, the Senate crafted and debated the Jumpstart our Business Strength Act, S. 1637. Jimmy played a key role for our office, and helped to ensure that key provisions regarding tribal bonding authority were drafted and inserted into the bill. Unfortunately, those provisions, which would have provided critical economic development tools to Native Americans, were stripped out by the Republican majority in the House of Representatives as part of election year politics. This was a particularly demoralizing moment for those of us who care so deeply about South Dakota and Native American communities throughout the United States, yet Jimmy managed to remain optimistic and cheerful about what we can accomplish in the next round.

Having a financial services expert on board was indispensable when a large foreign conglomerate, Rabobank, announced its proposed takeover of South Dakota's local Farm Credit Service lender. Jimmy took the lead on analyzing the possible impact on South Dakota farmers, ranchers and lenders, and displayed a deep understanding of the needs of rural America.

Jimmy got a bit more than he bargained for when our lead banking staffer went out on maternity leave. Jimmy rose to the occasion, however, and performed admirably on such issues as reauthorization of the National Flood Insurance Program, tracking progress on the Basel II capital accords, evaluating the merits of a controversial preemption ruling by the Office of the Comptroller of the Currency, and developing proposals to reduce, in a responsible manner, the regulatory burden on our nation's financial institutions. In addition, Jimmy has provided key insights into the development of a South Dakota program to develop cybersecurity programs for financial institutions.

Finally, I would be remiss if I did not mention Jimmy's role in our continued efforts to pass comprehensive deposit insurance reform. Although we were hopeful that Jimmy would be the Johnny Damon of deposit insurance reform, the Boston Red Sox managed to win the World Series while our reform bill will live to see yet another Congress.

It is my pleasure and honor to stand before the Senate today to thank Jimmy Loyless publicly for his service to the United States Senate. I am pleased he will continue to serve our country by returning to the FDIC, which is lucky to have him.●

GRAND MA'S STORY

● Mr. DEWINE. Mr. President, I recently received a letter from Iva D. Fesler Johnson. In it, she recalls what her grandmother, whom she called ''Grand Ma,'' told her about slavery. I would like to thank her for sharing this with me. Grand Ma's story is one of strength and perseverance—a story that took place during one of the darkest points in our Nation's history. The following is the story contained in the letter:

On January 1, 1863, President Abraham Lincoln signed the Emancipation Proclamation declaring ''All Slaves Free.''

I, Iva D. Jones, was born the daughter of Richard and Lottie Foster Jones. My father's mother was Cicly Belle Graham, the daughter of Henry and Fanny Graham. She was my grandmother. She was a slave.

''Grand Ma,'' as we called her, was brought to this country from Africa by ship. Grand Ma was sold three times by auction on the auction block at Washington, Kentucky. She was sold to the highest bidder. She was given the name of her slave master. So, she was Cicly Marshall at one time, another time, Cicly Smith.

Grand Ma plowed the fields with oxen. She was the mother of nine children. She birthed some of the children in the field that she was plowing. Her slave master did not allow her to return to the cabin in which she lived until the day's work was done. She worked from sun up to dark. She was not paid any money for this work.

She was married three times by jumping across a broomstick.

The slaves would sometimes try to escape from the ''Life of Slavery'' to Canada. Grand Ma tried to escape. She was caught by ''Blood Hounds'' and ''Slave Catchers.'' She was punished by being whipped, and salt and pepper was put on the cuts made by the whip to help healing.

Grand Ma developed the gift of mid-wife. She delivered two sets of twins for her daughter, Margaret O'Banion, and her husband, Lucian O'Banion.

The slaves could not read or write. No one in the slave owner's family was allowed to teach the slaves because it was against the law. Some taught the slaves to read and write in secret. There were no schools for the slaves until after they were free.

Grand Ma said she saw President George Washington and President Abraham Lincoln.

Grand Ma lived through the Civil War. She said she prayed we would one day have a place to worship God under our own vine and fig tree and the slave master's whip would no longer be stained with African blood. God has answered her prayers. God has given us places to worship.

One writer states, slavery lasted 250 years in the United States. Millions of people were sold into bondage so that their owners could grow rich, selling sugar, tobacco, rice, and cotton grown by their slave laborers. The slaves loved to sing as they worked—such songs as ''Steal Away to Jesus,'' ''Go Down Moses,'' and ''Swing Low, Sweet Chariot.''

At dawn, the slaves would awake every morning except Sunday to the sound of the overseer's horn. Men, women, and children would scramble out of a pile of straw, piled high on the mud floor of their hut, with hoe in hand to the field. Mid-morning, they were told to fix their breakfast, which was cornmeal put in a pot of boiling water to make hoe-cakes. The hoe-cakes were cooked on the blade of their hoe over the fire. Once a week, they were given a little piece of salt pork and fish.

Sometimes the slaves would drop little pieces of grains in the boiling water.

The slaves did not have shoes to wear and their clothes were ragged.

The slave master would ride a horse to the slave auction. The slaves were chained together, barefoot and raggedy. They were taken to the auction block.

As they worked in the field, the overseer would ride a horse to watch the slaves work. If he thought the slaves were not working hard enough, he would flog them with a cowhide whip.

After slavery, Grand Ma worked for pay because she had to find a home. The master's wife told Grand Ma to leave Grand Ma's daughter, whose name was Ellen, with her while she looked for a home. Grad Ma said on Sunday morning a man riding a horse told Grand Ma, Ellen is dead and buried. Little Ellen was nine years of age. The man told Grand Ma that the missus said Ellen wasn't washing the hearth right. So the missus hit Ellen in the head with a sick of wood and Ellen died.

Other slaves were sold at auction, and members of a family were separated. Husbands and wives, brothers and sisters, and children did not know the whereabouts of others.

Grand Ma was finally able to get a home of three rooms on a one acre lot in Lewisburg, Kentucky. She lived there many years and died in her home on June 26, 1926. The House has been modernized. It stands there today. I was 15 years of age when Grand Ma died.

Amazing Grace, how sweet the sound, that saved a wretch like me. I once was lost, but now I'm found. I was blind, but now I see.

Written by Mrs. Iva Johnson

These are things my grandmother told me about slavery.●

CELEBRATING THE OPENING OF THE COLUMBIA SPORTSWEAR DISTRIBUTION CENTER IN HENDERSON COUNTY, KY

● Mr. BUNNING. Mr. President, I want to celebrate the dedication of the Columbia Sportswear 4 Star Distribution Center in Robards, Kentucky.

Columbia Sportswear is a family-owned company that was founded in Portland, OR, in 1938. You may be familiar with this corporation's amusing advertisements featuring Gert Boyle, the matriarch and chairwoman of the company, testing her products under various extreme conditions.

This is a $40 million dollar facility occupying 428,000 square feet. It could add up 400 new jobs to the area, not including any other indirect employment. This site will enable Columbia to have better access to its markets in the Midwest and on the East Coast. The industrial park that the center is built on was the result of cooperation between Henderson, McLean, Union, and Webster Counties. I was very impressed by how the region pulled together to make this project happen.

I believe that this distribution plant will bring jobs and other economic benefits to this area. Columbia Sportswear is good company and I am excited to welcome them to Western Kentucky. I look forward to the positive impact they will have on the community.●

AMERICAN LEGION SENIOR BASEBALL TEAM PADUCAH POST 31

● Mr. BUNNING. Mr. President, today I honor Paducah Post 31 American Legion Senior Baseball Team, of Paducah, Kentucky for making it to the American Legion World Series. In December 19, 2004 this team will be gathering to award each team member the World Series Ring to Commemorate their accomplishments. I congratulate the Paducah post 31 American Legion Senior Baseball Team on their accomplishments and look forward to seeing their continued success in the future.

This band of gifted athletes and team players has consistently fielded team after team in their region. Their competition was intense and they have distinguished themselves just as much by their own skill, as by the skill of those they defeated. They began their season as just one team among 5,400 others from all over the United States and Puerto Rico competing to be in the American Legion World Series. They ended it as one of eight teams from all over the United States and Puerto Rico, that actually did compete in the American Legion World Series.

As a baseball player I am especially proud of the accomplishments of this team from my own State of Kentucky. I know what it means to have played the good game, fought the good fight and won. The feeling that you have done the right thing by trying your hardest is payback enough. But Post 31's baseball team did that and much more, they not only tried their hardest, they also made it to the American Legion World Series.

I am proud of a team that when it does its best, makes it all the way to the World Series Eight. That is a great accomplishment of which they too should be proud.●

IN RECOGNITION OF ADMIRAL RICHARD TRULY

● Mr. ALLARD. Mr. President, in January the National Renewable Energy Laboratory in Golden, CO, will have to say goodbye to the man who has been their director since 1997. Admiral Richard Truly has brought a great deal to NREL and I would like to take a moment to recognize him for his many impressive achievements, and to thank him for his service to NREL, to Colorado, and to the Nation.

Admiral Truly has a biography that is as diverse as it is interesting. For many being the director of a national lab, and managing an annual research budget of about $200 million, would be the crowning highlight of a career. And such may be the case for Admiral Truly. But with all of the other experiences he has had, there would be tough competition.

If you ask the Admiral how he first became interested in the issue of energy and technology development the story would probably start something like, ''when I was orbiting Earth in the space shuttle . . .'' Few people have had the experience of orbiting the Earth, and that experience has obviously widened the field of how he views problems. One often hears him relate the fact that seeing the Earth from space helped him to see that issues that may seem isolated to a distinct region, are really the results of a larger global challenge.

Admiral Truly piloted the Space Shuttle *Columbia* in 1981 and commanded the *Challenger* in August and September, 1983. He left to become the first commander of Naval Space Command in 1983, and served as the Administrator of NASA from 1989 to 1992, under the first President Bush. After the tragic *Challenger* accident, he led the accident investigation and was vital in rebuilding the Space Shuttle program. He also won the approval of President Reagan and Congress to build *Endeavor*, which replaced the *Challenger*. Under his direction NASA finalized plans for building the Space Station and implemented a number of streamlining reforms.

During Admiral Truly's tenure at NREL there have been many strides and innovations in the research done there. In the last 7 years the scientists at NREL have been able to improve wind technology, the fastest growing source of electric energy; increase the efficiency, and decrease the cost of solar energy; and advance the technology of bio-energy, which converts plant and animal waste to energy. These technological advancements provide great benefits to our economy, while also benefiting the environment.

However, the economy and the environment are not the only beneficiaries of Truly's work. Because he has helped NREL to become one of the premier research laboratories in the world, Colorado is the home to world-class scientists and researchers. Coloradans have a direct exposure to the newest, most up-to-date technology in the renewable industry. Numerous individuals, businesses and communities have benefited from partnerships with NREL which have produced new technological processes. Admiral Truly was instrumental in leading the lab down the path of success.

He has been the recipient of numerous awards, including the Presidential Citizen's Medal which was awarded by President Reagan in 1989. But one can see the personal side of Admiral Truly when he is around his staff, and others in the community. He is an unassuming and sincere person, with a ready smile for everyone he sees. He has a real instinct for what is best for the institution, but seems to balance that with what is best for the individuals. He also gives much of his time to community activities. In Colorado he has been an active advocate for the scientific and academic communities, and is a member of the Colorado Governor's Commission on Science and Technology, The Regis University Board of Trustees, and the Advisory Board to the Colorado School of Mines Board of Trustees. He has also served on the Princeton Plasma Physics Laboratory Advisory Council, the Board of Visitors to the U.S. Naval Academy, the Defense Policy Board and the Army Science Board.

As I close, I wish to extend my thanks, but also the thanks of the people of Colorado and the Nation. Admiral Truly has given a large part of his life to public service and helping to better the world around him. I congratulate him on his retirement after a long and prosperous career, and wish him luck and happiness as he embarks on the next phase of his life.●

HONORING THE LIFE OF MILTON D. STEWART

● Mr. KERRY. Mr. President, I would like to take a moment to pay tribute to a champion of this Nation's small businesses and to honor the work, dedication and life of Milton D. Stewart, the first Chief Counsel for the Office of Advocacy at the U.S. Small Business Administration. Mr. Stewart passed away at the age of 82, following an extensive and diverse career that included entrepreneurship, government, service to small businesses, law, journalism, and academia.

One of the most highly successful innovations of the House and Senate Small Business Committees came with the creation of the Office of Advocacy within the Small Business Administration. This office was established to represent and advance small business interests before other Federal agencies and the Congress. Congress recognized the importance of small business to the competitiveness of the American economy and understood that government sometimes can get in the way of small businesses doing what they do best—creating jobs.

Over the years, the Office of Advocacy has had a great deal of success and its hand has been strengthened by further congressional action, such as the Regulatory Flexibility Act in 1980 and the Small Business Regulatory Enforcement Fairness Act in 1996. The actions of the office have resulted in billions of dollars in regulatory cost savings for small entities, reducing barriers to market entry and promoting entrepreneurship.

This success is due in no small part to the solid beginnings of the Office of Advocacy under the leadership and through the vision of the very first Chief Counsel for Advocacy, Milton D. Stewart. Milt, in his tenure as Chief Counsel from 1978 to 1981, laid the groundwork for the Regulatory Flexibility Act, the first White House Conference on Small Business, the Small Business Innovation Development Act, and many other initiatives that are now considered part of the core small business policies within this country.

Formerly a small business owner and financier, Milt brought a level of commitment and passion for fostering the

entrepreneurial spirit. Early in his life, in a family-owned small business begun and managed by his parents, he acquired great respect for the skill and courage of small business entrepreneurs. During his tenure in service to small businesses, Milt served as President of the National Small Business Association, the National Association of Small Business Investment Companies and the Small Business High Technology Institute.

Milt also had significant government service beginning with the Office of War Information during World War II. He also served as special counsel to Governor Harriman of New York and to the New York State Thruway Authority, a Presidential delegate to the second White House Conference in 1986 and Special Counsel to the third White House Conference Commission in 1995. While he was Chief Counsel, his charisma and vision inspired many of those who worked with him and helped develop sound small business policy for our Nation.

His involvement in and dedication to the small business community has made a difference in the lives of millions of entrepreneurs. Thanks to him, small firms now have a greater voice in the creation and implementation of the regulations that govern the way they do business. His family and friends can take pride in that legacy and in Milt's tremendous public service.

My condolences go out to his wife, Joan, and to his children, grandchildren and great grandchildren on their loss. Together, we mourn the departure of a great man who embodied the American entrepreneurial spirit. He will be greatly missed.●

NATIONAL ADOPTION DAY

● Mr. BROWNBACK. Mr. President, I wish to recognize National Adoption Day which is this Saturday, November 20. National Adoption Day is a collaborative effort to raise awareness about the thousands of children in foster care waiting to be adopted. There are an estimated 542,000 children in foster care in the United States, and over 126,000 of them are waiting to be adopted.

This day is meant to celebrate and honor all those loving parents who adopt children and to bring attention to the children in foster care waiting to be adopted. On Saturday, an unprecedented number of courts throughout the nation will finalize the adoption of thousands of children from foster care. For the last 4 years, local adoption agencies, courts, and advocacy organizations have come together on National Adoption Day to help children in need of a permanent home.

The number of children in foster care has nearly doubled since 1987, and the average time a child remains in foster care is 3 years. Sadly, almost 20,000 children in foster care age out of the system each year without ever being placed with a permanent family. If only one out of every 500 Americans adopted, all foster children would be placed in homes.

As a father of two adopted children, I know the love and joy that comes from adoption. I commend the National Adoption Day partners for their efforts and their dedication in working toward a day when all children will have a permanent, loving family to call their own.●

WHRI–AM AND WRHM–FM

● Mr. GRAHAM of South Carolina. Mr. President, I would like to take this opportunity to recognize WHRI–AM and WRHM–FM for their combined 100 years of service to Rock Hill, York County, and the State of South Carolina.

WHRI first signed on the air in the Rock Hill community in December 1944. During its 60-year history, the station has remained dedicated to providing quality programming and has been a committed partner in community development.

WHRI operates under a principle established by its founder, Jim Beaty: ''Never underestimate the audience.'' In doing so, the station provides coverage of local and national news, sports, and events.

WHRI remains an active participant in the community, the station and its staff contribute time and talent to numerous service projects. One of WHRI's greatest success stories has been their involvement with the Shrine Bowl. When this all-star football game featuring high school athletes from North and South Carolina came to Rock Hill in 2001 there were only a handful of stations that carried the game. Three years later the network has been expanded to 50 stations. This increased exposure has also helped bring greater awareness to the cause of the Shriners and helped them raise additional funds for their hospitals.

WHRI has remained dedicated to serving the community in which they live. In keeping with their commitment to service, WHRI purchased WRHM in 1987. WRHM signed on the air in Lancaster more than 40 years ago in July 1964. After a 3-year station upgrade in the late 1980's, WRHM grew to serve a large region of South Carolina. Today, WRHM is broadcast to more than 15 counties in North and South Carolina, and continues the same tradition of excellence and regional service inspired by the success of their sister station.

I wish WHRI and WRHM continued success for years to come.●

TRIBUTE TO BOB AND BETH KENNETT

● Mr. LEAHY. Mr. President, I would like to commend the work of Bob and Beth Kennett. The Kennett's own the Liberty Hill Farm in Rochester, VT, where Beth runs a bed and breakfast on the farm, and Bob oversees the dairy operation of 70 cows. The Kennett's demonstrate to their guests that dairy farming in Vermont is more than a job or an industry; it's a way of life. Vermont's landscape is defined by the green pastures and silos that dot the hills. Our agricultural economy depends on the hundreds of millions of dollars dairy farmers bring to the State every year. Through the Kennett's combination of agri-tourism and dairying they are helping to ensure farming is not only a part of Vermont's past, but a vital part of Vermont's future.

I ask that a recent article about the Kennett's be printed in the RECORD.

The article follows:

[From the Burlington Free Press]

JUST ASKING TO SURVIVE

(By Erin Kelly)

Twenty-five years after they bought their small dairy farm in Vermont's picturesque White River valley, Bob and Beth Kennett find themselves alone.

''When we moved here, there were 11 farms shipping milk,'' said Beth Kennett, who helps her husband run a farm of 70 milk cows in Rochester, VT. ''We are now the last dairy farm in our valley.''

Small dairy farms like the Kennetts' are disappearing throughout America. In the last half-century, the percentage of U.S. farms with milk cows has plunged from nearly 62 percent in 1954 to 4 percent in 2002, according to the Department of Agriculture.

Farmers say that number will keep dropping if a federal dairy subsidy expires as scheduled in October 2005.

At stake for the farmers is a way of life that in many cases dates back generations. Suburbanites and urban dwellers also have something to lose, farmers warn.

If the farms go, their green pastures will be replaced with shopping malls and housing tracts. Fresh milk produced locally could be replaced by milk shipped by tanker truck thousands of miles from mega-dairy farms in the West.

''The consumer is not going to benefit if all the milk is produced in just a few places,'' Beth Kennett said. ''Why not have local milk for local markets?''

Small dairy farmers won a victory last month when the Senate Appropriations Committee approved a plan to extend the federal dairy subsidy to at least 2007, when it could be renewed again as part of a new farm bill. The plan, pushed by Sens. Patrick Leahy, D-Vt.; Herb Kohl, D-Wis.; and Arlen Specter, R-Pa., still must be approved by the full Congress.

An effort to attach the subsidy to a Homeland Security bill failed this past weekend, but lawmakers vowed to try again this year.

The subsidy, which has cost taxpayers about $2 billion since its passage in 2002, sends payments to dairy farmers whenever the price of milk drops below a certain level, basically guaranteeing farmers a minimum price. Small farmers, those with about 130 cows or fewer, benefit most.

While some are pushing for the short-term extension of a tax subsidy for dairy farmers, other dairy state lawmakers want a different, long-term solution one that could raise the price of a gallon of milk for consumers.

Instead of a taxpayer subsidy, the National Dairy Equity Act would require milk processors to pay farmers a minimum price for their milk.

If the proposal becomes law, consumers could pay as much as 20 cents more per gallon of whole milk, warns the International Dairy Foods Association, which represents

processors. Sen. Jim Jeffords, I-Vt., says the group is grossly exaggerating the cost as a scare tactic.

Ken Bailey, associate professor of dairy markets at Pennsylvania State University, said even an increase of a few cents could hurt sales of milk, which has dropped in popularity. The percentage of raw milk being turned into milk to drink declined from 40 percent in 1980 to 28 percent in 2000, with the rest used to make cheese or other dairy products.

When the retail price of milk went up in May and June, sales fell 3 percent, Bailey said.

''It doesn't make sense to design a whole federal policy around a small and declining segment of the dairy market,'' Bailey said. ''What the federal government should be doing is getting out the way and encouraging innovation and the creation of new dairy products. In Europe, liquid yogurt beverages are very popular. Our thinking is still stuck back in the 1950s when everybody had a glass of milk with dinner.''

Carl Greene, a sixth generation dairy farmer in Berlin, N.Y., said that with a little help from Washington, he is optimistic that the farm he works with his brother and father will survive for a long time to come.

''Any help we get will make us more competitive,'' he said. ''We'll reinvest it back into the farm.''

Beth Kennett, who runs a bed and breakfast out of her Rochester farmhouse to help make ends meet, said the city folks who visit seem willing to help once they see what's at stake. People need to realize that retail milk prices which have stayed fairly steady at $2.62 to $2.76 a gallon over the last eight years are a bargain and don't reflect the farmers' true cost, Kennett said.

''Our guests, once they see the hard work that goes into it, say they'd be more than happy to pay an extra nickel for milk to keep Farmer Bob going,'' Kennett said. ''We're not asking to make huge profits. We're just asking to survive.''●

DAVID DIETZ

● Mr. BIDEN. Mr. President, I rise today to honor a great Delawarean and a great American, David Dietz. David is a stellar example of an individual whose remarkable success in business has not diminished his commitment to the betterment of his community and those in need.

If you traveled around Delaware asking folks about David Dietz, you would quickly learn the extent of his impact. In the business world, David has served on numerous committees, won an abundance of awards, and his restaurant, the Brandywine Brewing Company, in Greenville, has been named the Best of Delaware several times over. Yet I believe that it is when David steps out of his role as businessman and entrepreneur he truly shines.

David is a man with many causes—juvenile diabetes, child abuse prevention—but it is his involvement with women's health that moves me to recognize him today.

In 1993, as a response to Delaware's high breast cancer mortality rate, my wife Jill was driven to form the Biden Breast Health Initiative. BBHI is a nonprofit organization devoted to educating young women on breast health and the importance of early detection in fighting breast cancer. Two years ago, BBHI introduced the Educate For Life scholarship program, which offers three grants to Delaware high school seniors—one student from each of Delaware's counties—who will pursue educational opportunities in the fields of health care or education. This year, as well as the year of its inception, the Educate for Life benefit has been sponsored by David's restaurant, and it has been a resounding success.

David not only generously donates his time and expertise to the planning and implementation of the event, but also a portion of the evening's proceeds. We could not do it without him and his staff.

For his deeply felt responsibility to the community, for his dedication to being a man of action and not just words, and for his ability to reach out to others in need, I am pleased to acknowledge David Dietz.●

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on November 18, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 2986. An act to amend title 31 of the United States Code to increase the public debt limit.

The message also announced that the Speaker has signed the following enrolled bill:

S. 2986. An act to amend title 31 of the United States Code to increase the public debt limit.

Under the authority of the order of January 7, 2003, the enrolled bill was signed by the President pro tempore (Mr. STEVENS) on November 18, 2004.

MESSAGES FROM THE HOUSE

At 10:06 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3204. An act to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 434. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 1146. An act to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

S. 1241. An act to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes.

S. 1727. An act to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978.

S. 2042. An act for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida.

S. 2214. An act to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the ''Mike Mansfield Post Office''.

S. 2302. An act to improve access to physicians in medically underserved areas.

S. 2484. An act to amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists and to authorize alternate work schedules and executive pay for nurses, and for other purposes.

S. 2640. An act to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plague at such site, and for other purposes.

S. 2693. An act to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the ''Lieutenant John F. Finn Post Office''.

S. 2965. An act to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting.

H.R. 1284. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

H.R. 4794. An act to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes.

H.R. 5163. An act to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes.

H.R. 5213. An act to expand research information regarding multidisciplinary research projects and epidemiological studies.

H.R. 5245. An act to extend the liability indemnification regime for the commercial space transportation industry.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 1:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 146. Concurrent resolution to direct the Secretary of the Senate to make corrections in the enrollment of the bill S. 150.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks,

announced that the House has passed the bill (S. 150) to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, without amendment.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5360. An act to authorize grants to establish academics for teachers and students of American history and civics, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 524. Concurrent Resolution directing the Clerk of the House of Representatives to make certain corrections to the enrollment of H.R. 1350.

At 5:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4324. An act to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

H.R. 5365. An act to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment:

S. 2781. An act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

ENROLLED BILL PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on November 18, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2986. An act to amend title 31 of the United States Code to increase the public debt limit.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9902. A communication from the Acting Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nutrition Labeling: Nutrient Content Claims on Multi-serve, Meal-type Meat and Poultry Products'' (RIN0583–AD07) received on November 16, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9903. A communication from the Acting Under Secretary of Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Reinvention of the Section 514, 515, 516, and 521 Multi-Family Housing Programs'' (RIN0575–AC13) received on November 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9904. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerance'' (FRL#7683–9) received on November 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9905. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazonx; Pesticide Tolerances for Emergency Exemptions'' (FRL#7684–2) received on November 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9906. A communication from the Acting Under Secretary for Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Business and Industry and Loans; Revision to Definition of Rural Areas'' (RIN0570–AA39) received on November 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9907. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Fruits and Vegetables'' (Doc. No. 02–106–2) received on November 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9908. A communication from the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Official Brucellosis Tests'' (Doc. No. 02–070–3) received on November 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9909. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnuts Grown in California; Decreased Assessment Rate'' (FV04–984–2) received on November 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9910. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2004–2005 Marketing Year'' (Doc. No. FV04–985–2) received on November 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9911. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Domestic Dates Produced or Packed in Riverside County, California, Increased Assessment Rate'' (Doc. No. FV04–987–2) received on November 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9912. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report entitled ''Long-Term Strategy to Reduce Corrosion and the Effects of Corrosion on the Military Equipment and Infrastructure of the Department of Defense''; to the Committee on Armed Services.

EC–9913. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Department's Fiscal Year 2003 purchases from foreign entities; to the Committee on Armed Services.

EC–9914. A communication from the Director of Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to the Foreign Comparative Testing Program; to the Committee on Armed Services.

EC–9915. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Environmental Technology Program; to the Committee on Armed Services.

EC–9916. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Traffic in Arms Regulations: Registration Fee Change'' (RIN1400–AB97) received on November 9, 2004; to the Committee on Armed Services.

EC–9917. A communication from the Alternate OSD FRLO, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE; NDAA–02 and a Technical Correction Included in the NDAA–03'' (RIN0720–AA89) received on November 6, 2004; to the Committee on Armed Services.

EC–9918. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Armed Services.

EC–9919. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Department's contractors' commercial and industrial type functions; to the Committee on Armed Services.

EC–9920. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 69 FR 61445'' (44 CFR 67) received on November 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9921. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; 69 FR 60309'' (44 CFR 64) received on November 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9922. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; 69 FR 6144'' (44 CFR 64) received on November 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9923. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report relative to the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–9924. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report relative to the national emergency with respect to Syria that

was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9925. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Participation in HUD's Native American Programs by Religious Organizations Providing for Equal Treatment of All Program Participants'' (RIN2577–AC56) received on November 16, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9926. A communication from the General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Section 701.14—Change in Official or Senior Executive Officer in Credit Unions That Are Newly Chartered or Are in Troubled Condition'' received on November 16, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9927. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice and Procedure; Civil Money Penalty Inflation Adjustments'' (RIN1557–AC82) received on November 16, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9928. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Rules, Policies, and Procedures for Corporate Activities; Annual Report on Operating Subsidiaries'' (RIN1557–AC81) received on November 16, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9929. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice and Procedure'' (RIN3064–AC76) received on November 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9930. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department of Housing and Urban Development's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–9931. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC–9932. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulation J—Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers through Fedwire'' received on October 26, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9933. A communication from the Deputy Chief Acquisition Officer for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Government Property and Miscellaneous Editorial Changes'' (RIN2700–AD05) received on November 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9934. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications; Pacific Mackerel'' (RIN0648–AR97) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9935. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Reallocation of Projected Unused Amount of Pacific Cod from Vessels Using Trawl and Jig Gear to Vessels Using Hook-and-Line and Pot Gear in the BSAI'' received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9936. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of 'Other Species' in the Bering Sea and Aleutian Islands'' received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9937. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Notice of Closure of the 2004 King Mackerel Commercial Fishery, Western Zone of the Gulf of Mexico'' received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9938. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Microprocessor Technology Eligible for Export Under License Exception'' (RIN0694–AD04) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9939. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''List of Nonconforming Vehicles Decided to be Eligible for Importation'' (RIN2127–AJ35) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9940. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees Authorized by 49 U.S.C. 30141'' (RIN2127–AJ34) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9941. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Purpose Vehicles'' (RIN2127–AH75) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation .

EC–9942. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney Canada PT6B–36A and PT6B–36B Turboshaft Engines Doc. No. 2004–NE–18'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9943. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Correction: Establishment of Restricted Areas 5802C, D, and E; Fort Indiantown Gap, PA Doc. No. 02–AEA–19'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9944. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727, 727C, 727 100, 100 C, and 200 Series Airplanes Doc. No. 2003–NM–131'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9945. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems Limited Model BAe 146 and Avro 146 RJ Series Airplanes Doc. NO. 2002–NM–90'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9946. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Hartzell Propeller Inc Model HC B5MP 3()/M10282A()+6 Propellers Doc. No. 86–ANE–7'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9947. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: CFM International CFM56–5C Series Turbofan Engines Doc. No. 95–ANE–64'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9948. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Correction—Rolls Royce plc RB211–22B, –524, and –53 Series Turbofan Engines Doc. No. 2003–NE–57'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9949. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL 600 2C10 and CL 600 2D24 Series Airplanes Doc. No. 2004–NM–125'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9950. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Valentin GmbH and Co. Taifun 17E Sailplanes; Doc. No. 2003–CE–56'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9951. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MD Helicopters Inc Model 500N and 600N Helicopters Doc. No. 2004–SW–20'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9952. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing

Model 737–600, 700, 700C, 800, and 900 Series Airplanes Doc. No. 2002–NM–327'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9953. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Fan Jet Falcon Series Airplanes; and Model Mystere-Falcon 20 Series Airplanes Doc. No. 2002–NM–227'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9954. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Robinson Helicopter Company Model R22 Series Helicopters; Doc. No. 2004–SW–15'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9955. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Correction—Boeing Model 727 Series airplanes Modified in Accordance with Supplemental Type Certificate, Doc. No. 07–NM–235'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9956. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Aircraft Company 120, 140, 150, F150, 170, 172, F172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 206, P206, U206, TP206, TU206, 207, T207, 210, T210, 336, 337, and T337 Series Airplanes Doc. No. 2003–CE–40'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9957. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–200, 200C, 300, 400, and 500 Series Airplanes Doc. No. 2991–NM–246'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9958. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Aircraft Company 120, 140, 150, F150, 170, 172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 206, P206, U206, TP206, TU206, 207, T207, 210, T210, 336, 337, and T337 Airplanes Doc. No. 2003–CE–40'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9959. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: DG Flugzeugbau GmbH, Model Sailplanes, Spindle Drive; Doc. No. 2004–CE–06'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9960. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC 8 101, 102, 103, 106, 201, 202, 301, 311, and 315 Airplanes Doc. No. 2002–NM–126'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9961. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 707 and 720 Series Airplanes; Doc. No. 2003–NM–44'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9962. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes Doc. No. 2004–NM–159'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9963. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A218, 319, 320, and 321 Series Airplanes Doc. No. 2004–NM–158'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9964. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL 600 2B19 Airplanes Doc. No. 2004–NM–195'' (RIN2120–AA64) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9965. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Office, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Framework Adjustment 5'' (RIN0648–AR50) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9966. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Computer Technology and Software Eligible for Export Under License Exception; and Establishment of 'Foreign National Review' Requirement and Procedure'' (RIN0694–AD18) received on November 16, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9967. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled ''Report to Congress—Part 135 Air Taxi Operators Study''; to the Committee on Commerce, Science, and Transportation.

EC–9968. A communication from the Chairman, Surfaces Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2004 Update'' (Stb Ex Parte No. 542) received on November 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9969. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Commerce, Science, and Transportation.

EC–9970. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Board's 2004 FAIR Act Inventory; to the Committee on Commerce, Science, and Transportation.

EC–9971. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the Commission's Cigarette Report for 2002; to the Committee on Commerce, Science, and Transportation.

EC–9972. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Lake Roosevelt National Recreation Area Personal Watercraft Use'' (RIN1024–AD01) received on November 16, 2004; to the Committee on Energy and Natural Resources.

EC–9973. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Lake Meredith National Recreation Area Personal Watercraft Use'' (RIN1024–AC97) received on November 16, 2004; to the Committee on Energy and Natural Resources.

EC–9974. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Amistad National Recreation Area Personal Watercraft Use'' (RIN1024–AD00) received on November 16, 2004; to the Committee on Energy and Natural Resources.

EC–9975. A communication from the Administrator, Energy Information Administration, transmitting, pursuant to law, the Administration's Annual Energy Review 2003; to the Committee on Energy and Natural Resources.

EC–9976. A communication from the Assistant General Counsel for Legislative and Regulatory Law, Office of Energy Efficiency and Renewable Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Efficiency for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards for Commercial Water Heaters, Hot Water Supply Boilers, and Unfired Hot Water Storage Tanks'' (RIN1094–AA95) received on November 3, 2004; to the Committee on Energy and Natural Resources.

EC–9977. A communication from the Assistant General Counsel for Legislative and Regulatory Law, Office of Energy Efficiency and Renewable Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards for Commercial Warm Air Furnaces; General Provisions for Commercial Heating, Air Conditioning, and Water Heating Equipment; Energy Efficiency Provisions for Electric Motors'' (RIN1094–AA96) received on November 3, 2004; to the Committee on Energy and Natural Resources.

EC–9978. A communication from the Assistant General Counsel for Legislative and Regulatory Law, Office of Energy Efficiency and Renewable Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards for Commercial Air Conditioners and Heat Pumps'' (RIN1094–AA97) received on November 3, 2004; to the Committee on Energy and Natural Resources.

EC–9979. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Environment and Public Works.

EC–9980. A communication from the Deputy Associate Administrator, Environmental

Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan; Wisconsin'' (FRL#7829–4) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9981. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Determination of Attainment and Redesignation of the City of Weirton PM10 Nonattainment Area to Attainment and Approval of the Maintenance Plan, Correction'' (FRL#7836–5) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9982. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL#7833–7) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9983. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Municipal Waste Combustor Emissions from Large Existing Municipal Solid Waste Combustor Units'' (FRL#7831–5) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9984. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; State of Iowa'' (FRL#7836–4) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9985. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of Georgia'' (FRL#783207) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9986. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Maine: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL#7835–9) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9987. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plan; Pennsylvania; Control of Volatile Organic Compound Emissions from AIM Coatings'' (FRL#7835–4) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9988. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans: Oregon'' (FRL#7835–2) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9989. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Corrections to the California State Implementation Plan'' (FRL#7837–9) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9990. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination to Stay Sanctions, Imperial County Air Pollution Control District'' (FRL#7834–5) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9991. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Water Quality Standards for Coastal and Great Lakes Recreation Waters'' (FRL#7837–5) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9992. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Great Basin and Ventura County Air Pollution Control District'' (FRL#7834–2) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9993. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District'' (FRL#7834–3) received on November 16, 2004; to the Committee on Environment and Public Works.

EC–9994. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Risk-Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Reactors'' (RIN3150–AG42) received on November 18, 2004; to the Committee on Environment and Public Works.

EC–9995. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004'' (Notice 2004–77) received on November 16, 2004; to the Committee on Finance.

EC–9996. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Annual Pension Plan, etc., Cost-of-Living Adjustments for 2005'' (Notice 2004–72) received on November 16, 2004; to the Committee on Finance.

EC–9997. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''2005 Annual Covered Compensation Tables'' (Rev. Rul. 2004–104) received on November 16, 2004; to the Committee on Finance.

EC–9998. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Payments Under or to an Annuity Contract Described in Section 403(b)'' (RIN1545–BD50) received on November 16, 2004; to the Committee on Finance.

EC–9999. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Actuarial Assumptions Under Section 101 of Pension Funding Equity Act'' (Notice 2004–78) received on November 16, 2004; to the Committee on Finance.

EC–10000. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—September 2004'' (Rev. Rul. 2004–105) received on November 16, 2004; to the Committee on Finance.

EC–10001. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''CPI Adjustment for Section 1274A for 2005'' (Rev. Rul. 2004–107) received on November 16, 2004; to the Committee on Finance.

EC–10002. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: Capitalization of Costs to Obtain Management Contracts'' (UIL: 162.05–00) received on November 16, 2004; to the Committee on Finance.

EC–10003. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—December 2004'' (Rev. Rul. 2004–106) received on November 16, 2004; to the Committee on Finance.

EC–10004. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Standard Mileage Rates—2005'' (Rev. Proc. 2004–64) received on November 16, 2004; to the Committee on Finance.

EC–10005. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: IRC 461(f) Contested Liabilities'' (UIL 9300.30–00) received on November 16, 2004; to the Committee on Finance.

EC–10006. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: S Corporation Tax Shelter'' (UIL9300.36–00) received on November 16, 2004; to the Committee on Finance.

EC–10007. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Finance.

EC–10008. A communication from the Regulations Coordinator, Centers for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Coverage and Payment of Ambulance Services; Recalibration of Conversion Factor; Inflation Update for CY 2005'' (RIN0938–AN20) received on November 5, 2004; to the Committee on Finance.

EC–10009. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC–10010. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report an agreement between the United States and Taiwan; to the Committee on Foreign Relations.

EC–10011. A communication from the Assistant Legal Adviser for Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to the United

States-Cuba September 1994 ''Joint Communique''; to the Committee on Foreign Relations.

EC–10012. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the participation of Taiwan in the World Health Organization; to the Committee on Foreign Relations.

EC–10013. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC–10014. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad; to the Committee on Foreign Relations.

EC–10015. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad; to the Committee on Foreign Relations.

EC–10016. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services in the amount of $100,000,000 or more to the United Kingdom and Italy; to the Committee on Foreign Relations.

EC–10017. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms to be sold commercially under a contract in the amount of $1,000,000 or more to Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Ireland, Luxembourg, Netherlands, Norway, Portugal, Poland, Spain, Sweden, Switzerland, and United Kingdom; to the Committee on Foreign Relations.

EC–10018. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license the manufacture of major defense equipment and defense articles in the amount of $50,000,000 or more to France, Russia, Spain, Sweden, and Kazhakztan; to the Committee on Foreign Relations.

EC–10019. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 to Israel; to the Committee on Foreign Relations.

EC–10020. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 to the United Kingdom and France; to the Committee on Foreign Relations.

EC–10021. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment valued at $25,000,000 or more to the Netherlands and Romania; to the Committee on Foreign Relations.

EC–10022. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–563, ''Pedestrian Protection Right-of-Way at Crosswalks Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–10023. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–564, ''Miscellaneous Vehicles Helmet Safety Act of 2004''; to the Committee on Governmental Affairs.

EC–10024. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–565, ''District of Columbia Statehood Delegation Fund Commission Establishment and Tax Check-Off Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–10025. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–566, ''Prevention of Premature Release of Mentally Incompetent Defendants Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–10026. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–567, ''Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004''; to the Committee on Governmental Affairs.

EC–10027. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–568, ''Historic Preservation Process for Public Safety Facilities Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–10028. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–587, ''Property Management Reform Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–10029. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–569, ''Public Assistance Confidentiality of Information Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–10030. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–570, ''Low-Income Housing Tax Credit Fund Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–10031. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–571, ''Contract No. DCFJ–2004–B–0031 (Delivery of Electrical Power and Ancillary Services) Exemption Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–10032. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–572, ''Distracted Driving Safety Revised Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–10033. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–573, ''Unclaimed Property Demutualization Proceeds Technical Correction Amendment Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–10034. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–574, ''Fiscal Year-End State Aid Re-Allocation Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–10035. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–575, ''Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–10036. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–576, ''Housing and Community Development Reform Advisory Commission Extension Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–10037. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–577, ''Anesthesiologist Assistant Licensure Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–10038. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 846 Discount Factor for 2004'' (Rev. Proc. 2004–69) received on November 18, 2004; to the Committee on Finance.

EC–10039. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 832 Discount Factors for 2004'' (Rev. Proc. 2004–70) received on November 18, 2004; to the Committee on Finance.

EC–10040. A communication from the Commandant, United States Coast Guard, transmitting, pursuant to law, a report relative to the life cycle costs and benefits of creating a Center for Coastal and Maritime Security; to the Committee on Commerce, Science, and Transportation.

EC–10041. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10042. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10043. A communication from the Director, U.S. Trade and Development Agency, transmitting, pursuant to law, the Agency's annual financial audit for Fiscal Year 2004; to the Committee on Governmental Affairs.

EC–10044. A communication from the Executive Director, United States-Mexico Border Health Commission, transmitting, pursuant to law, the Commission's 2004 Annual Report; to the Committee on Foreign Relations.

EC–10045. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's financial statements for Fiscal Year 2004; to the Committee on Governmental Affairs.

EC–10046. A communication from the Acting Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Certificates of Divestiture Regulation'' (RIN3209–AA00) received on November 16, 2004; to the Committee on Governmental Affairs.

EC–10047. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Identifying Talent Through Automated Hiring Systems in Federal Agencies''; to the Committee on Governmental Affairs.

EC–10048. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the Office of Inspector General for the six-month period ending September 30, 2004; to the Committee on Governmental Affairs.

EC–10049. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10050. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Performance and Accountability Report for Fiscal Year 2004; to the Committee on Governmental Affairs.

EC–10051. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Interim Regulations on Notification of Post-Employment Restrictions'' received on November 3, 2004; to the Committee on Governmental Affairs.

EC–10052. A communication from the Director of the Selective Service System, transmitting, pursuant to law, the System's Performance and Accountability Report for Fiscal Year 2004; to the Committee on Governmental Affairs.

EC–10053. A communication from the Counsel to the Inspector General, General Services Administration, transmitting, pursuant to law, the report of a nomination for the position of Inspector General, General Services Administration, received on November 15, 2004; to the Committee on Governmental Affairs.

EC–10054. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Revised Final Annual Performance Plan for Fiscal Year 2005; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2393. A bill to improve aviation security (Rept. No. 108–417).

S. 2541. A bill to reauthorize and restructure the National Aeronautics and Space Administration, and for other purposes (Rept. No. 108–418).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1153. A bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes (Rept. No. 108–419).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1380. A bill to distribute universal service support equitably throughout rural America, and for other purposes.

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1963. A bill to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services.

S. 2145. A bill to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes.

S. 2281. A bill to provide a clear and unambiguous structure for the jurisdictional and regulatory treatment for the offering or provision of voice-over-Internet-protocol applications, and for other purposes.

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 2505. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service.

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2644. A bill to amend the Communications Act of 1934 with respect to the carriage of direct broadcast satellite television signals by satellite carriers to consumers in rural areas, and for other purposes.

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2820. A bill to ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other puropses.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Col. Guy K. Dahlbeck.

Air Force nomination of Col. Brent E. Winget.

Army nomination of Maj. Gen. Robert L. Van Antwerp, Jr.

Army nomination of Brig. Gen. Jason K. Kamiya.

Army nomination of Col. Keith L. Thurgood.

Army nomination of Colonel Michael J. Lally III.

By Mr. MCCAIN for the Committee on Commerce, Science, and Transportation.

*Gay Hart Gaines, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2010.

*Claudia Puig, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

*Ernest J. Wilson III, of Maryland, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2010.

*James S. Simpson, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

*Harold Jennings Creel, Jr., of South Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2009.

*Jonathan Steven Adelstein, of South Dakota, to be a Member of the Federal Communications Commission for a term expiring June 30, 2008.

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent to save the expense of reprinting on the the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning Gerard P. Achenbach and ending Elizabeth D Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 23, 2004.

Coast Guard nominations beginning Joel A. Amundson and ending Joseph M. Zwack, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 16, 2004.

*Nomination was reported with recommendation that it be confirmed subject to the nominees's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 12. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 3008. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself, Ms. MIKULSKI, Mr. BENNETT, and Mr. HARKIN):

S. 3009. A bill to establish a Division of Food and Agricultural Science within the National Science Foundation and to authorize funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 3010. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Fire Administration to provide assistance to firefighting task forces, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DAYTON (for himself and Mr. LOTT):

S. 3011. A bill to amend title XVIII of the Social Security Act to provide payments to Medicare ambulance suppliers of the full cost or furnishing such services, to provide payments to rural ambulance providers, and suppliers to account for the cost of serving areas with low population density, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 3012. A bill to ensure a balanced survey of taxpayers in any system of

precertification for the earned income tax credit; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. DURBIN, and Mr. KENNEDY):

S. 3013. A bill to provide for the establishment of a controlled substance monitoring program in each State; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. BREAUX, Mr. VOINOVICH, Mr. LEVIN, and Mr. DEWINE):

S. 3014. A bill to reauthorize the Harmful Algal Bloorm and Hypoxia Research and Control Act of 1998, and for other purposes; considered and passed.

By Mr. BAYH:

S. 3015. A bill for the relief of Fatuka Kaikumba Flake; to the Committee on the Judiciary.

By Mr. McCONNELL (for himself and Mr. LUGAR):

S. 3016. A bill to promote freedom, economic growth, and security in Asia, and for other purposes; to the Committee on Foreign Relations.

By Mr. EDWARDS:

S. 3017. A bill to provide for the settlement of the claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 3018. A bill to direct the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the Federal Government; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3019. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

By Mr. DODD:

S. 3020. A bill to establish protections against compelled disclosure of sources, and news or information, by persons providing services for the news media; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mr. CRAIG, Mr. BOND, Mr. DEWINE, Mr. FITZGERALD, Mr. LEVIN, Mr. SANTORUM, Ms. STABENOW, Ms. MURKOWSKI, Mr. JOHNSON, Mr. BROWNBACK, Mr. NICKLES, Mr. INHOFE, Mr. JEFFORDS, and Ms. SNOWE):

S. Res. 474. A resolution to express support for the goals of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well being for all children; considered and agreed to.

By Mr. COLEMAN (for himself, Mr. FEINGOLD, Mr. KOHL, and Mr. DAYTON):

S. Res. 475. A resolution to condemn human rights abuses in Laos; considered and agreed to.

By Mr. ALEXANDER (for himself and Mr. DODD):

S. Res. 476. A resolution supporting the goals, activities, and ideals of National Prematurity Awareness Month; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 477. A resolution expressing the sense of the Senate in support of a reinvigorated United States vision of freedom, peace, and democracy in the Middle East; considered and agreed to.

By Mr. FRIST:

S. Res. 478. A resolution relating to displaced staff members of Senators and Senate leaders; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. TALENT):

S. Con. Res. 150. A concurrent resolution expressing the sense of Congress with respect to the murder of Emmett Till; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. Con. Res. 151. A concurrent resolution recognizing the essential role that the Atomic Energy Act of 1954 has played in development of peaceful uses of atomic energy; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 585

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 585, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

S. 983

At the request of Mr. CHAFEE, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1813

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1813, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes.

S. 1889

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1889, a bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23 with an enhanced matching rate.

S. 1968

At the request of Mr. ENZI, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1968, a bill to amend the Higher Education Act of 1965 to enhance literacy in finance and economics, and for other purposes.

S. 2338

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2382

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2382, a bill to establish grant programs for the development of telecommunications capacities in Indian country.

S. 2395

At the request of Mr. CONRAD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2395, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2553

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2553, a bill to amend title XVIII of the Social Security Act to provide for coverage of screening ultrasound for abdominal aortic aneurysms under part B of the medicare program.

S. 2568

At the request of Mr. BIDEN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Ms. MURKOWSKI), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2713

At the request of Mr. DOMENICI, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2713, a bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program.

S. 2722

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2722, a bill to maintain and expand the steel import licensing and monitoring program.

S. 2779

At the request of Mr. DOMENICI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2779, a bill to improve protections for children and to hold States accountable for the orderly and timely placement of children across State lines, and for other purposes.

S. 2873

At the request of Mr. LEAHY, the names of the Senator from Utah (Mr. HATCH), the Senator from Mississippi (Mr. LOTT), the Senator from New York (Mr. SCHUMER) and the Senator from

Texas (Mr. CORNYN) were added as cosponsors of S. 2873, a bill to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2873 , supra.

S. 2889

At the request of Mr. ALEXANDER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. BOND), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. EDWARDS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Ohio (Mr. DEWINE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Missouri (Mr. TALENT), the Senator from Wyoming (Mr. THOMAS), the Senator from Minnesota (Mr. DAYTON), the Senator from Indiana (Mr. BAYH), the Senator from New Hampshire (Mr. GREGG), the Senator from Oregon (Mr. SMITH) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2889, a bill to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an endangered species under the Endangered Species Act of 1973, and for other purposes.

S. 2966

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2966, a bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms.

S. 2994

At the request of Ms. SNOWE, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2994, a bill to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time.

S. 3000

At the request of Mr. KOHL, his name was added as a cosponsor of S. 3000, a bill to postpone the extension of normal trade relations to the products of Laos.

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 3000, supra.

S. CON. RES. 141

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Con. Res. 141, a concurrent resolution recognizing the essential role of nuclear power in the national energy policy of the United States and supporting the increased use of nuclear power and the construction and development of new and improved nuclear power generating plants.

S. CON. RES. 148

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Con. Res. 148, a concurrent resolution honoring the life and contribution of Yogi Bhajan, a leader of the Sikhs, and expressing condolences to the Sikh community on his passing.

S. RES. 436

At the request of Mr. REID, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 436, a resolution designating the second Sunday in the month of December 2004 as ''National Children's Memorial Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND (for himself, Ms. MIKULSKI, Mr. BENNETT, and Mr. HARKIN):

S. 3009. A bill to establish a Division of Food and Agricultural Science within the National Science Foundation and to authorize funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BOND. I rise today to introduce legislation with Senator MIKULSKI, Senator BENNETT, and Senator HARKIN to establish a division of food and agricultural science within the National Science Foundation to support fundamental agricultural research of the highest quality. I present this to begin a critical discussion that I believe we must have over the next several months and perhaps over the next year or so about how we are going to ensure we capitalize on the technology to maximize the benefits and minimize the costs of our agricultural production.

We remain the world leader in food and fiber production. We do it safely and through technology and the hard work of the American farmer. In the past half century, the number of people fed by a single U.S. farm has grown from 19 to 129. We have a tremendously innovative agricultural research program. Our farmers, our farm leaders are on the cutting edge of developing new technology. And we have seen the innovations continue to come down the pike. This has made it possible for one farmer to feed 129 people.

In addition, we export $60 billion worth of agricultural products, and we do so at less cost and at less harm to the environment than any of our competitors around the world, again, because of new practices, diligence on the part of farmers, and new technology.

In a world that has a decreasing amount of soil available for cultivation, we have a growing population and we still have 800 million children who are hungry or malnourished throughout the world. As some have said: A person who is well fed can have many problems. A person who is hungry has but one problem. Unless we maximize technology and new practices, production will continue to overtax the world's natural resources.

Many people legitimately have raised concerns regarding new diseases and pests and related food safety issues. And they are growing. The leading competitiveness of our U.S. producers is only as solid as our willingness to invest in forward-looking investments and build upon our historic successes.

Now, we also know from past experience that with new technology the doors are being opened to novel new uses of renewable agricultural products in the fields of energy, medicine, and industrial products. In the future, we can make our farm fields and farm animals factories for everyday products, fuels, and medicines in a way that is efficient and better preserves our natural resources. Advances in the life sciences have come about, such as genetics, proteomics, and cell and molecular biology. They are providing the base for new and continuing agricultural innovations.

It was only about a dozen years ago that farmers in Missouri came to me to tell me about the potential that genetic engineering and plant biotechnology had for improving the production of food, and doing so with less impact on the environment, providing more nutritious food. Since that time, I have had a wonderful, continuing education, not in how it works but what it can do.

We know now, for example, that in hungry areas of the world as many as half a million children go blind from vitamin A deficiency, and maybe a million die from vitamin A deficiency. Well, through plant biotechnology, the International Rice Research Institute in the Philippines has developed Golden Rice, taking a gene from the sunflower, a beta-carotene gene, and they enrich the rice. The Golden Rice now has that vitamin A, and that is going to make a significant difference in dealing with malnutrition.

We also know that in many areas of the world, where agricultural production has overtaxed the land, where drought has cut the production, where virus has plagued production, the way we can make farmers self-sufficient, where we can restore the farm economy in many of these countries, is through plant biotechnology.

But this is just the beginning. This legislation I am introducing today is a discussion draft which I hope is going to lay the foundation for tremendous advances in the future.

This legislation stems from findings and recommendations produced by a distinguished group of scientists working on the Agricultural Research, Economics and Education Task Force, which I was honored to be able to include in the 2002 farm bill. The distinguished task force was led by Dr. William H. Danforth, of St. Louis, the brother of our former distinguished colleague, Senator Jack Danforth. Dr. Bill Danforth has a tremendous reputation in science and in education, with a commitment to human welfare and is known worldwide. He was joined by Dr. Nancy Betts, the University of Nebraska; Mr. Michael Bryan, president of BBI International; Dr. Richard Coombe, the Watershed Agricultural Council; Dr. Victor Lechtenbert, Purdue University; Dr. Luis Sequeira, the University of Wisconsin; Dr. Robert Wideman, the University of Arkansas; and Dr. H. Alan Wood, Mississippi State University.

I extend my congratulations and my sincere gratitude to Dr. Danforth and his team for providing the basis and the roadmap to ensure we have the mechanisms in place to solve the problems and capitalize on the opportunities in agricultural research. The full report of the task force can be found at www.ars.usda.gov/research.htm.

In summary, that study concludes that it is absolutely necessary we reinvigorate and forward focus our technology to meet the responsibilities of our time. New investment is critical for the world's consumers, the protection of our natural resources, the standard of living for Americans who labor in rural America, and for the well-being of the hungry people and the needy people throughout the world.

I look forward to pursuing this vision in the 109th Congress. I invite my colleagues who are interested in science and research to review this report, to look at this measure, to join with me and my cosponsors in the next session of Congress to talk about moving forward on what I think will be a tremendous opportunity to improve agriculture and its benefits to all our populations.

Now, I cannot speak for all agricultural groups, but I talked to agricultural leaders of the various commodities, the farm organizations in my State of Missouri. They are very excited about it because these are the people who have been on the leading edge, who have pushed for the new technology, who have pushed for the new research that has enabled them to go from feeding 19 people per farmer a half century ago to feeding 129 people per farmer.

Madam President, this, I hope, will be the start of something really big. So, with that, I send the draft of the legislation to the desk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''National Food and Agricultural Science Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term ''Council'' means the Standing Council of Advisors established under section 4(c).

(2) DIRECTOR.—Except as otherwise provided in this Act, the term ''Director'' means the Director of Food and Agricultural Science.

(3) DIVISION.—The term ''Division'' means the Division of Food and Agricultural Science established under section 4(a).

(4) FOUNDATION.—The term ''Foundation'' means the National Science Foundation.

(5) FUNDAMENTAL AGRICULTURAL RESEARCH; FUNDAMENTAL SCIENCE.—The terms ''fundamental agricultural research'' and ''fundamental science'' mean fundamental research or science that—

(A) advances the frontiers of knowledge so as to lead to practical results or to further scientific discovery; and

(B) has an effect on agriculture, food, human health, or another purpose of this Act, as described in section 3(b).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) UNITED STATES.—The term ''United States'' when used in a geographical sense means the States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Agricultural Research, Economics, and Education Task Force established under section 7404 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3101 note) conducted an exhaustive review of agricultural research in the United States and evaluated the merits of establishing 1 or more national institutes focused on disciplines important to the progress of food and agricultural science. Consistent with the findings and recommendations of the Agricultural Research, Economics, and Education Task Force, Congress finds the following:

(1) Agriculture in the United States faces critical challenges, including an impending crisis in the food, agricultural, and natural resource systems of the United States. Exotic diseases and pests threaten crops and livestock, obesity has reached epidemic proportions, agriculturally-related environmental degradation is a serious problem for the United States and other parts of the world, certain animal diseases threaten human health, and United States producers of some major crops are no longer the world's lowest cost producers.

(2) In order to meet these critical challenges, it is essential that the Nation ensure that the agricultural innovation that has been so successful in the past continues in the future. Agricultural innovation has resulted in hybrid and higher yielding varieties of basic crops and enhanced the world's food supply by increasing yields on existing acres. Since 1960, the world's population has tripled with no net increase in the amount of land under cultivation. Currently, only 1.5 percent of the population of the United States provides the food and fiber to supply the Nation's needs. Agriculture and agriculture sciences play a major role in maintaining the health and welfare of all people of the United States and in husbanding our land and water, and that role must be expanded.

(3) Fundamental scientific research that leads to understandings of how cells and organisms work is critical to continued innovation in agriculture in the United States. Such future innovations are dependent on fundamental scientific research, and will be enhanced by ideas and technologies from other fields of science and research.

(4) Opportunities to advance fundamental knowledge of benefit to agriculture in the United States have never been greater. Many of these new opportunities are the result of amazing progress in the life sciences over recent decades, attributable in large part to the provision made by the Federal Government through the National Institutes of Health and the National Science Foundation. New technologies and new concepts have speeded advances in the fields of genetics, cell and molecular biology, and proteomics. Much of this scientific knowledge is ready to be mined for agriculture and food sciences, through a sustained, disciplined research effort at an institute dedicated to this research.

(5) Publicly sponsored research is essential to continued agricultural innovation to mitigate or harmonize the long-term effects of agriculture on the environment, to enhance the long-term sustainability of agriculture, and to improve the public health and welfare.

(6) Competitive, peer-reviewed fundamental agricultural research is best suited to promoting the fundamental research from which breakthrough innovations that agriculture and society require will come.

(7) It is in the national interest to dedicate additional funds on a long-term, ongoing basis to an institute dedicated to funding competitive peer-reviewed grant programs that support and promote the highest caliber of fundamental agricultural research.

(8) The Nation's capacity to be internationally competitive in agriculture is threatened by inadequate investment in research.

(9) To be successful over the long term, grant-receiving institutions must be adequately reimbursed for their costs if they are to pursue the necessary agricultural research.

(10) To meet these challenges, address these needs, and provide for vitally needed agricultural innovation, it is in the national interest to provide sufficient Federal funds over the long term to fund a significant program of fundamental agricultural research through an independent institute.

(b) PURPOSES.—The purposes of the Division established under section 4(a) shall be to ensure that the technological superiority of agriculture in the United States effectively serves the people of the United States in the coming decades, and to support and promote fundamental agricultural research of the highest caliber in order to achieve goals, including the following goals:

(1) Increase the international competitiveness of United States agriculture.

(2) Develop foods that improve health and combat obesity.

(3) Create new and more useful food, fiber, health, medicinal, energy, environmental, and industrial products from plants and animals.

(4) Improve food safety and food security by protecting plants and animals in the United States from insects, diseases, and the threat of bioterrorism.

(5) Enhance agricultural sustainability and improve the environment.

(6) Strengthen the economies of the Nation's rural communities.

(7) Decrease United States dependence on foreign sources of petroleum by developing bio-based fuels and materials from plants.

(8) Strengthen national security by improving the agricultural productivity of subsistence farmers in developing countries to

combat hunger and the political instability that it produces.

(9) Assist in modernizing and revitalizing the Nation's agricultural research facilities at institutions of higher education, independent non-profit research institutions, and consortia of such institutions, through capital investment.

(10) Achieve such other goals and meet such other needs as determined appropriate by the Foundation, the Director, or the Secretary.

SEC. 4. ESTABLISHMENT OF DIVISION.

(a) ESTABLISHMENT.—There is established within the National Science Foundation a Division of Food and Agricultural Science. The Division shall consist of the Council and be administered by a Director of Food and Agricultural Science.

(b) REPORTING AND CONSULTATION.—The Director shall coordinate the research agenda of the Division with the Secretary.

(c) STANDING COUNCIL OF ADVISORS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Division a Standing Council of Advisors composed of 12 highly qualified scientists who are not employed by the Federal Government and 12 stakeholders.

(B) SCIENTISTS.—

(i) APPOINTMENT.—The 12 scientist members of the Council shall be appointed to 4-year staggered terms by the Director of the National Science Foundation, with the consent of the Director of Food and Agricultural Science.

(ii) QUALIFICATIONS.—The persons nominated for appointment as scientist members of the Council shall be—

(I) eminent in the fields of agricultural research, science, or related appropriate fields; and

(II) selected for appointment solely on the basis of established records of distinguished service and to provide representation of the views of agricultural research and scientific leaders in all areas of the Nation.

(C) STAKEHOLDERS.—

(i) APPOINTMENT.—The 12 stakeholder members of the Council shall be appointed to 4-year staggered terms by the Secretary, with the consent of the Director.

(ii) QUALIFICATIONS.—The persons nominated for appointment as stakeholder members of the Council shall—

(I) include distinguished members of the public of the United States, including representatives of farm organizations and industry, and persons knowledgeable about the environment, subsistence agriculture, energy, and human health and disease; and

(II) be selected for appointment so as to provide representation of the views of stakeholder leaders in all areas of the Nation.

(2) DUTIES.—The Council shall assist the Director in establishing the Division's research priorities, and in reviewing, judging, and maintaining the relevance of the programs funded by the Division. The Council shall review all proposals approved by the scientific committees of the Division to ensure that the purposes of this Act and the needs of the Nation are being met.

(3) MEETINGS.—

(A) IN GENERAL.—The Council shall hold periodic meetings in order to—

(i) provide an interface between scientists and stakeholders; and

(ii) ensure that the Division is linking national goals with realistic scientific opportunities.

(B) TIMING.—The meetings shall be held at the call of the Director, or at the call of the Secretary, but not less frequently than annually.

SEC. 5. FUNCTIONS OF DIVISION.

(a) COMPETITIVE RESEARCH.—

(1) IN GENERAL.—The Director shall carry out the purposes of this Act by awarding competitive peer-reviewed grants to support and promote the very highest quality of fundamental agricultural research.

(2) GRANT RECIPIENTS.—The Director shall make grants to fund research proposals submitted by—

(A) individual scientists;

(B) single and multi-institutional research centers; and

(C) entities from the private and public sectors, including researchers in the Department of Agriculture, the Foundation, or other Federal agencies.

(b) COMPLEMENTARY RESEARCH.—The research funded by the Division shall—

(1) supplement and enhance, not supplant, the existing research programs of, or funded by, the Department of Agriculture, the Foundation, and the National Institutes of Health; and

(2) seek to make existing research programs more relevant to United States agriculture, consistent with the purposes of this Act.

(c) GRANT-AWARDING ONLY.—The Division's sole duty shall be to award grants. The Division may not conduct fundamental agricultural research or fundamental science, or operate any laboratories or pilot plants.

(d) PROCEDURES.—The Director shall establish procedures for the peer review, awarding, and administration of grants under this Act, consistent with sound management and the findings and purposes described in section 3.

By Mr. SESSIONS (for himself, Mr. DURBIN, and Mr. KENNEDY):

S. 3013. A bill to provide for the establishment of a controlled substance monitoring program in each State; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF THE NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING ACT OF 2004

Mr. KENNEDY. Mr. President, it is a privilege to join Senator SESSIONS, Senator DURBIN and Senator DODD in introducing the ''National All Schedules Prescription Electronic Reporting Act.'' Our goal is to assist States in establishing in electronic databases to monitor the administration of prescription drugs and deal more effectively with the growing national problem of prescription drug abuse.

Our Health Committee listened carefully to the thoughtful concerns and comments of the expert witnesses who testified at our recent hearing on this issue, and we have sought to meet these concerns in our bill.

Over 6 million Americans currently use prescription drugs for non-medical purposes. 31 million adults and adolescents have reported abusing prescription drugs at least once. Since 1992, the number of young adults who abuse prescription pain relievers and other potentially addictive drugs has more than tripled. Prescription drug abuse among youths of age 12 to 17 has increased tenfold.

State efforts to monitor the prescribing of potentially addictive medications can help curb this abuse. Currently, 19 States have such monitoring programs in place, including Massachusetts, and they vary widely in the collection and storage of data and the methods used for protecting privacy, while using the information in the databases to encourage the non-medical use of prescription drugs and reduce their diversion for illegal purposes.

This bill authorizes the Secretary of HHS to award grants to states to establish prescription drug monitoring programs. For States with existing programs, the Secretary can award grants to upgrade their systems, standardize the data collected, and allow its sharing among States. The legislation includes an important provision allowing States with existing programs to receive funding, even if it is not feasible for the States to meet all the conditions required for new programs. The legislation recognizes that existing programs have been designed with the specific needs of each state in mind, and we should not block funding, even if particular programs do not match exactly the template in the bill.

Any such program, however, must include strong safeguards for medical privacy, and must make certain that the database cannot be used to bring improper pressure on physicians to avoid prescribing essential medication for patients in need. The proper treatment of patients in pain, for example, is an enormous medical challenge, and this essential medical mission will be more difficult if patients fear that the privacy of their prescription histories will not be protected, or if physicians begin to look over their shoulders whenever they prescribe needed pain medication. The legislation permits state programs to release data under controlled and limited conditions. It is important to note, however, that States are free to impose even more stringent restrictions on the release of data than those required under our legislation.

We all share the goal of reaching the right balance between the interests of patients, physicians, and law enforcement. Our bill requires that in their grant applications, each State must propose security standards for the electronic databases, including appropriate encryption or other information technology. In their applications, States must also set standards for use of the database, including a description of a process to certify that requests for information are legitimate. The bill also requires the Secretary to provide an analysis of the privacy protections within two years after enactment.

Prescription drug abuse has been increasing every year. Physicians want to treat pain, and law enforcement officials want to stop the flow of prescription drugs from the pharmacies to the streets. A national prescription drug monitoring program will be a valuable resource to achieve both goals. I commend Senator SESSIONS for his leadership on this important health issue, and I look forward to early action by Congress to deal with this serious national problem.

By Mr. McCONNELL (for himself and Mr. LUGAR):

S. 3016. A bill to promote freedom, economic growth, and security in Asia, and for other purposes; to the Committee on Foreign Relations.

Mr. McCONNELL. Mr. President, today I introduce, along with my good friend from Indiana, the ''Asia Freedom Act of 2004''.

We offer this bill with the full knowledge that it will neither be considered nor voted upon by the Senate Committee on Foreign Relations before the 108th Congress ends. Rather, we intend today's introduction to mark what we hope is the start of broader discussion between our respective offices and the Administration on America's foreign policy toward Asia.

The Act is based on the Freedom Support Act for the Former Soviet Union and provides an integrated and coherent framework for U.S. policy toward North and Southeast Asia. It creates 10 broad development activities for the region—ranging from democracy to security and the environment—and endorses the establishment of a coordinator of assistance to the region at the State Department, and a deputy coordinator at USAID.

The Act defines eligibility requirements for U.S. foreign assistance for central governments in the region based on their respective commitments to, among other things, the advancement of freedom and justice and efforts to crack down on international terrorism. It requires the State Department to judge central governments of countries in the region not by what they say, but rather by the concrete actions they undertake to further democracy, security and stability in the region.

The Act requires a number of annual reports, including a description of democracy building activities conducted by the United States, the European Union, the United Nations and other countries and institutions, and a listing on a country-by-country basis of known political prisoners.

Taking a cue from President Bush's January 12, 2004 proclamation denying current and former corrupt public officials entry into the United States, the Act provides authority for the Secretary of Homeland Security to deny visas to those officials in the region whose actions have had an adverse impact on the advancement of democracy, human rights, the rule of law and economic freedom in the region.

The Act is necessary to ensure that appropriate and continuous attention is paid by the U.S. Congress and the Administration to the march of political and economic freedom across Asia. Much ground has been gained over the past year, particularly with successful presidential and parliamentary elections in Indonesia, but more must be done, whether in Burma, Cambodia or Thailand.

In short, the Asia Freedom Act guarantees America's focus, foreign policy and foreign assistance are targeted toward an increasingly important region of the world.

Mr President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Asia Freedom Act of 2004''.

SEC. 2. STATEMENT OF POLICY.

Liberty is a universal and inalienable right, and, in light of the progress of the people of North and South East Asia in achieving political, economic, and legal reforms, the advancement of democracy, human rights, the rule of law, and economic freedom in North and South East Asia is and will remain a central objective of United States foreign policy.

SEC. 3. DEFINITION OF NORTH AND SOUTH EAST ASIA.

In this Act, the term ''North and South East Asia'' means Burma, Cambodia, the Democratic Republic of Timor-Leste, Hong Kong, Indonesia, Laos, Macau, Malaysia, Mongolia, the People's Republic of China, the Philippines, the Republic of Korea, Singapore, Brunei, Papua New Guinea, the Socialist Republic of Vietnam, Thailand, Taiwan, the Republic of the Fiji Islands, the Independent State of Samoa, the Solomon Islands, the Kingdom of Tonga, Tuvalu, the Republic of Nauru, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Vanuatu, and Tibet.

SEC. 4. PURPOSE.

The purpose of this Act is to promote regional peace and stability in North and South East Asia and enhance the security of the United States by—

(1) fostering improved living conditions for, and the economic well-being of, the people of North and South East Asia;

(2) supporting freedom, human rights, and justice in North and South East Asia;

(3) countering international terrorism and regional narcotics trafficking in North and South East Asia; and

(4) expanding free markets in North and South East Asia.

SEC. 5. ASSISTANCE FOR NORTH AND SOUTH EAST ASIA.

The President is authorized to provide assistance to North and South East Asia for the following purposes:

(1) HUMANITARIAN NEEDS.—Meeting humanitarian needs arising from manmade or natural disasters and crises.

(2) DEMOCRACY, HUMAN RIGHTS, AND THE RULE OF LAW.—Establishing and facilitating democratic and free societies, including by—

(A) fostering political, social, and economic pluralism;

(B) fostering respect for internationally recognized human rights and the rule of law, including the rights of people with disabilities;

(C) encouraging the development of institutions of democratic governance, including electoral, legislative, and judicial processes;

(D) fostering the institution and improvement of public administration at the national, intergovernmental, regional, and local levels;

(E) assisting in the development of, and providing ongoing support to, grassroots and nongovernmental organizations that promote democracy, the rule of law, human rights, and accountability and transparency in the political process;

(F) encouraging international exchanges, other forms of public diplomacy, and the use of the Internet to promote greater understanding and appreciation of democracy, the rule of law, human rights, the public policy process, market institutions, and the role of an independent judiciary in democratic societies;

(G) supporting political parties and coalitions that are committed to promoting democracy, human rights, the rule of law, and economic reforms;

(H) fostering the growth of civic organizations that are committed to promoting and defending human rights;

(I) promoting respect for human rights and civil liberties in military and security forces;

(J) promoting the development of effective control by elected civilian officials over, and the development of, a nonpolitical officer corps in military and security forces;

(K) fostering strengthened administration of justice through programs and activities carried out by nongovernmental organizations, civic organizations, and political parties; and

(L) supporting the development and promulgation of laws and regulations that increase accountability and transparency in governance, including asset disclosure for senior public officials and candidates for political office.

(3) FREE AND INDEPENDENT MEDIA.—Developing free and independent media, including—

(A) supporting all forms of independent media reporting, including print, radio, and television;

(B) providing special support for, and public access to, nongovernmental Internet-based sources of information, dissemination, and reporting, including the provision of technical and other support for web-based radio services and the provision of computers and other necessary resources and training related to the Internet;

(C) providing training in journalism, including investigative journalism techniques that educate the public on the costs of corruption; and

(D) establishing exchange programs for journalists, including journalists affiliated with democratic political parties.

(4) FREE MARKET SYSTEMS.—Creating and supporting private enterprise and free market systems based on the principles of private ownership of property, including through support for—

(A) the development of private cooperatives, credit unions, labor unions, and microfinance lending institutions;

(B) the improvement of the collection and analysis of statistical information;

(C) the reform and restructuring of banking and financial systems;

(D) the protection of intellectual property rights;

(E) the development of protocols and safeguards against money laundering and other illicit financial activities, including those relating to regional terrorism and the production and trafficking of narcotics; and

(F) the promotion of trade and investment.

(5) SECURITY.—Developing professional military and police forces capable of countering terrorism, narcotics, and other illicit activities, and ensuring civilian control and oversight of military and police forces.

(6) SOCIAL PROGRAMS.—Investing in education, health, and other social programs, including for disenfranchised communities.

(7) ENVIRONMENT.—Promoting the sustainable use of natural resources and protecting the environment in both urban and rural areas.

(8) POLITICAL OPPOSITION.—Safeguarding and supporting democratic and viable political opposition.

(9) PARLIAMENTARY EXCHANGES.—Promoting exchanges between democratic legislators and reformers in North and South East Asia and members of Congress.

(10) MIGRATION.—Protecting and caring for refugees, displaced persons, and other migrants, addressing the root causes of migration, and promoting the development of appropriate immigration and emigration laws and procedures.

SEC. 6. COORDINATION OF ASSISTANCE.

(a) COORDINATOR OF ASSISTANCE.—

(1) ESTABLISHMENT OF POSITION.—Congress strongly urges the President to designate, within the Department of State, a coordinator of assistance, and within the United States Agency for International Development, a deputy coordinator of assistance, to be responsible for—

(A) designing an overall strategy to advance the mutual interests of the United States and North and South East Asia;

(B) ensuring program and policy coordination among agencies of the United States government in carrying out assistance activities under this Act;

(C) pursuing coordination with other countries and international organizations with respect to assistance to North and South East Asia; and

(D) ensuring that United States assistance programs for North and South East Asia are established and carried out in a manner consistent with this Act.

(2) RANK AND STATUS.—An individual designated as coordinator of assistance under paragraph (1) shall have the rank and status of ambassador.

(b) COORDINATION OF ACTIVITIES.—The coordinator of assistance under subsection (a) shall carry out activities described in that subsection in coordination and consultation with officials as follows:

(1) EXPORT PROMOTION ACTIVITIES.—In the case of activities relating to the promotion of exports of United States goods and services to North and South East Asia, the Secretary of Commerce who, in the role of Chair of the Trade Promotion Coordination Committee, shall retain primary responsibility for the coordination of such activities.

(2) INTERNATIONAL ECONOMIC ACTIVITIES.—In the case of activities relating to United States participation in international financial institutions, and to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs, with respect to North and South East Asia, the Secretary of the Treasury who, in the role of Chair of the National Advisory Council on International Monetary and Financial Policies and as the United States governor of international financial institutions, shall retain primary responsibility for the coordination of such activities.

(3) MILLENNIUM CHALLENGE CORPORATION.—In the case of activities relating to the provision of United States assistance for North and South East Asia through the Millennium Challenge Corporation, the Secretary of State who, in the role of Chair of the Millennium Challenge Corporation, shall retain primary responsibility for the coordination of such activities.

(4) HIV/AIDS.—In the case of activities relating to the provision of United States assistance for HIV/AIDS prevention and related activities for North and South East Asia, the Coordinator for United States Government Activities to Combat HIV/AIDS Globally who shall retain primary responsibility for the coordination of such activities.

(5) TIBET.—In the case of activities relating to Tibet, the Special Coordinator for Tibetan Issues.

SEC. 7. ELIGIBILITY FOR ASSISTANCE.

(a) IN GENERAL.—In carrying out the responsibilities described in section 6, including the providing of assistance, the coordinator of assistance designated under that section shall take into account the extent to which the central governments in North and South East Asia are—

(1) making progress toward, and is committed to the comprehensive implementation of, a democratic system of government based on the rule of law, individual freedoms, and representative government determined by free and fair elections;

(2) making progress toward, and is committed to the comprehensive implementation of, economic reform based on market principles, private ownership, and integration in the global economy, including the implementation of the legal and policy frameworks necessary for such reform (including protection of intellectual property rights and respect for contracts);

(3) respecting internationally recognized human rights, including the rights of minorities and the rights of freedom of religion and of emigration;

(4) denying support for acts of international terrorism and cooperating with the United States to combat international terrorism;

(5) respecting international law and obligations, refraining from the threat of use of force, and demonstrating a commitment to settling disputes peacefully;

(6) cooperating in seeking peaceful resolution of ethnic and regional conflicts;

(7) implementing responsible security policies, including—

(A) reducing military forces and expenditures to a level consistent with legitimate defense requirements;

(B) working to eliminate the proliferation of nuclear, biological, or chemical weapons, and related delivery systems and technologies; and

(C) restraining conventional arms transfers; and

(8) taking constructive actions to protect the international environment, prevent significant transnational pollution, and promote the sustainable use of natural resources.

(b) DETERMINATION OF INELIGIBILITY.—

(1) RESTRICTIONS.—Except as described under paragraph (2), no funds authorized to be appropriated to carry out the provisions of this Act may be made available for assistance for any central government in North and South East Asia if the Secretary of State determines that such government—

(A) is engaged in a consistent pattern of violations of internationally recognized human rights or international law;

(B) has, on or after the date of the enactment of this Act, knowingly provided financial or other support to terrorist groups, terrorists, or narcotics traffickers; or

(C) has, on or after the date of the enactment of this Act, transferred any material, equipment, or technology that the government knew or had reason to know would be used by any country or international terrorist group to manufacture any weapon of mass destruction, including nuclear, chemical, or biological weapons.

(2) EXCEPTION.—The restrictions described under paragraph (1) do not apply to funds made available for the promotion of democracy, human rights, and exchanges.

(c) OTHER RESTRICTIONS.—None of the funds authorized to be appropriated by this Act may be made available for assistance for any central government in North and South East Asia that is otherwise prohibited from receiving such assistance.

(d) SUSPENSION OR TERMINATION OF ASSISTANCE FOR NATIONAL SECURITY REASONS.—The Secretary of State may suspend or terminate assistance under this Act in whole or in part to a country or entity in North and South East Asia if the Secretary determines that the country or entity is engaged in activities that are contrary to the national security interests of the United States.

SEC. 8. SECURITY ASSISTANCE.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763) and section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) to enhance security in Asia, including in Cambodia, Brunei, the Democratic Republic of Timor-Leste, Indonesia, Malaysia, Mongolia, the Philippines, Singapore, Thailand, and Taiwan.

SEC. 9. INSTITUTE FOR REFORM IN ASIA.

Notwithstanding any other provision of law, there are authorized to be appropriated such sums as may be necessary for assistance for an institute for reform in Asia, which shall be located in Hong Kong, for the purpose of advancing democracy, human rights, and the rule of law in North and South East Asia in cooperation with an indigenous organization in that region that is committed to the principles of freedom and justice.

SEC. 10. ADDITIONAL AUTHORITIES AND LIMITATIONS.

(a) LAW ENFORCEMENT.—Notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), and except as otherwise provided for in this Act, assistance for law enforcement forces under this Act may be provided for police, counterterrorism, and other law enforcement forces in North and South East Asia.

(b) PROMOTION OF COMPETITIVE ELECTIONS.—

(1) IN GENERAL.—Assistance may be provided under this Act to foreign political parties or organizations for the purpose of increasing competition in elections in countries in North and South East Asia where a nondemocratic, ruling political party controls or exercises significant influence over national or local electoral bodies, print and electronic media, the judiciary, or national and local security forces, including the police and military, to the detriment of a democratic opposition.

(2) LIMITS ON ASSISTANCE.—None of the funds provided to a foreign political party or organization pursuant to paragraph (1) may be used as—

(A) a cash grant;

(B) payment for salaries, fees, or honoraria to any candidate, political party leader, or campaign official during the campaign period; or

(C) payment to individuals for the purpose of influencing votes.

(c) POLITICAL TRANSITIONS.—The Secretary of State shall make available additional assistance under this Act for countries and entities in North and South East Asia that successfully complete the transition from an authoritarian regime or government to a democratic government.

(d) TAIWAN AND THE REPUBLIC OF KOREA.—Amounts made available under this Act for assistance for Taiwan and the Republic of Korea for the purposes of furthering political and legal reforms shall only be made available to the extent that such amounts are matched by funds from sources other than the United States Government.

SEC. 11. ACCOUNTABILITY FOR FUNDS.

Any agency managing and implementing an assistance program for North and South

East Asia under this Act shall maintain an accounting of any funds made available to it for such program.

SEC. 12. ANNUAL REPORTS.

(a) SUMMARY OF ACTIVITIES.—Not later than January 31, 2005, and annually thereafter, the coordinator of assistance designated under section 6 shall submit to the appropriate congressional committees a report containing—

(1) a list of activities undertaken by the Department of State, the United States Agency for International Development, and the Department of the Treasury to advance democracy, human rights, the rule of law, and economic freedom in North and South East Asia;

(2) a description of assistance provided by international financial institutions and countries, including the European Union, the United Nations, Japan, Australia, and New Zealand, to advance democracy, human rights, and the rule of law in North and South East Asia;

(3) an analysis, on a country-by-country basis, of obstacles to the advancement of democracy, human rights, the rule of law, and economic growth and freedom in North and South East Asia, including barriers to increased popular participation in political and economic decisionmaking; and

(4) an analysis of actions undertaken by the Government of the People's Republic of China, including the People's Liberation Army, to exert its political and economic influence throughout the region.

(b) POLITICAL PRISONERS.—Not later than January 31, 2005, and annually thereafter, the Assistant Secretary of State for Democracy, Human Rights, and Labor shall submit to the appropriate congressional committees a report setting forth the names and locations of known political prisoners, on a country-by-country basis, in North and South East Asia.

(c) CHILD SOLDIERS.—Not later than January 31, 2005, and annually thereafter, the coordinator of assistance shall submit to the appropriate congressional committees a report—

(1) describing the use of child soldiers in North and South East Asia; and

(2) detailing the efforts of the United States Government to raise and debate in the United Nations Security Council the issue of the use of child soldiers.

SEC. 13. DENIAL OF VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security may deny visas and entry to the following individuals:

(1) Any public official or former public official, including any military or police official, who has been credibly alleged to have solicited or accepted any article of monetary value or other benefit in exchange for any act or omission in their performance of their public functions, which has had a serious adverse effect on the advancement of democracy, human rights, the rule of law, and economic freedom in North and South East Asia.

(2) Any person whose provision of, or offer to provide, an article of monetary value or other benefit to any public official, including military and police officials, in exchange for any act or omission in the performance of such official's public functions has had a serious adverse effect on democracy, human rights, the rule of law, and economic freedom in North and South East Asia.

(3) Any public official, former public official, or other person who has been credibly alleged to have misappropriated funds or interfered with the judicial, electoral, or other public processes, which has had a serious adverse effect on the advancement of democracy, human rights, the rule of law, and economic freedom in North and South East Asia.

(4) Any spouse, child, or dependent household member of a person described in paragraph (1), (2), or (3) of this subsection who is the direct beneficiary of any article of monetary value or other benefit obtained by such person.

(b) DATABASE.—The Secretary of State shall maintain and regularly update a database of individuals who may be denied visas under subsection (a).

SEC. 14. SENSE OF CONGRESS ON DEMOCRACY FUNDS.

It is the sense of Congress that any democracy fund established by the United Nations in response to the September 21, 2004, speech by President George W. Bush to the United Nations General Assembly should be known as the ''Daw Aung San Suu Kyi Democracy Fund''.

SEC. 15. ASSISTANCE AUTHORITIES.

There are authorized to be appropriated for fiscal year 2005 such sums as may be necessary to carry out the purposes of this Act.

SEC. 16. OTHER DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(2) CHILD SOLDIER.—The term ''child soldier'' means a person below the age of 18 years (unless, under the law applicable to the person, majority is attained earlier) that is part of an armed group affiliated with, or the armed forces of, a national government.

By Mr. GRASSLEY:

S. 3018. A bill to direct the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the Federal Government; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today I am introducing a bill directing the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the United States.

The False Claims Act, 31 U.S.C. 3729 et seq., is the Government's single most effective program for recouping money improperly obtained from the United States by false claims and fraud. Initially passed during the Civil War at President Abraham Lincoln's request to suppress fraud against the Union Army, the FCA was modernized and updated in 1986. Since President Ronald Reagan signed the 1986 amendments into law, settlements and judgments in FCA cases have exceeded $13 billion. No other antifraud program of the federal government can match this result.

Despite the significance of these results, the Congress does not have a way to evaluate the performance of the FCA program. While the program, which is overseen by the Civil Division of the Department of Justice, appears to be doing well, it is not known at this time how the program is performing as compared to its potential. What percentage of the various frauds perpetrated against the United States is recouped in False Claims Act cases? How effectively does DoJ capture the multiple damages and penalties provided for by the act? How quickly does DoJ move FCA cases? How effectively does DoJ use the tools provided to it by the FCA, such as civil investigative demands? How effectively does DoJ use relators and how well does it reward them?

The purpose of this bill is to require the submission of the information that will allow Congress to evaluate of DoJ's performance in managing FCA cases. Thus, under this bill the Department of Justice will be required to describe its settlements of FCA cases. The report to Congress shall include a description of the estimated damages suffered by the United States, the amount recouped, the multiplier used to calculate the settlement amount, the criminal fines collected and whether the defendants were held liable in previous cases. The report will also inform Congress as to whether the defendants have been required to enter into corporate integrity agreements.

In addition, in order to understand how the program is working, the Department of Justice will be required to inform Congress as to whether civil investigative demands were issued. The Department will also be required to provide certain information about the conduct of qui tam cases initiated by whistleblowers. For example, Congress will receive information about the length of time cases are under seal, whether whistleblowers (technically termed ''relators'') sought a fairness hearing regarding a settlement and what share of the settlement they received. The Congress would also receive information about whether the agency that suffered from the fraud involved participated in the settlement.

In regard to cases involving Medicaid Fraud, the report will provide Congress with the details of how much money was returned to each state participating in the settlement. In a time when many States are struggling with their Medicaid budgets, the Congress needs to know how effectively DoJ is in suppressing Medicaid fraud and returning money to the States.

By Mr. DODD:

S. 3020. A bill to establish protections against compelled disclosure of sources, and news or information, by persons providing services for the news media; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I am going to send a copy of this bill to the desk to be printed in the RECORD. It is not going to be referred to any committees in the waning minutes of this 108th Congress, but I will submit it for the RECORD. My plans are to reintroduce this legislation in January when we reconvene for the 109th Congress.

I thought it might be helpful to have this legislation in the RECORD for my colleagues to review. It is called the Free Speech Protection Act of 2004.

This bill is designed to ensure that the free speech guarantees enshrined in the First to the Constitution will be strong and effective for many generations to come. After all, it is the free flow of news and information to the public on a wide variety of concerns which makes our democracy vibrant and alive.

Indeed, the very design of our democratic institutions is premised in large part upon an informed citizenry that could exercise informed judgments.

As James Madison once observed:

> Knowledge will forever govern ignorance: And apeople who mean to be their own Governor, must arm themselves with the power that knowledge gives.

Madison and the other Founders of our great Republic understood full well that the best guarantee of a knowledgeable citizenry is a free press and a public free to speak to the press. The press must be free to report on the human condition, the conduct of public officials, matters of business and corporate governance, as well as the strengths and weaknesses of our society and its institutions.

A free press must also be able to access a broad spectrum of views from a wide variety of sources. Once individuals deliberate over such information, they are able to make more educated decisions. In addition, they can also more effectively and intelligently participate in matters of public concern. To quote Madison once again:

> Popular government without popular information or the means of acquiring it is but a prologue to a farce, or a tragedy, or perhaps both.

In fact, one of the hallmarks of a totalitarian government is that the state controls the press and similar sources of public information. Such regimes are characterized by extreme levels of secrecy and a total lack of transparency. The free flow of information to the public is greatly restricted. Criticism of the government could result in imprisonment or even death.

In recent memory, such regimes existed in Nazi Germany, the Soviet Union, and Saddam Hussein's Iraq, where the press was often used as a tool for propaganda. Unfortunately, there are still a number of governments around the globe today that greatly restrict the flow of news and information to their citizens.

The United States, in its formative years, never chose that path. The Founding Fathers of this great Nation of ours knew the value of a free press because they had often been denied it by their colonial rulers. Repressive measures had long been part of English history in this regard, such as the censorship of published materials and a licensing system whereby nothing could get published without the government's consent.

Our Founding Fathers recognized then that for a society to remain free, it must also allow for divergent views and opinions to be expressed, and for ideas to be openly exchanged. In many respects, the rights of free speech and a free press protect the government from trampling on the other political and personal liberties all Americans hold so dear.

Freedom of speech and freedom of the press are like the government watchdog that shines a spotlight when other rights are being threatened. Without this, the press becomes an extension of the government and the people know only what the government wants them to know. As Jefferson once commented:

> When the press is free and everyone is able to read, all is safe.

Congress cannot afford to stand idly by and allow our sacred First Amendment freedoms to be threatened. Let me be clear. The legislation I submitted to the desk, the Free Speech Protection Act of 2004, is not merely about protecting the press. Instead, this legislation is about consumer protection. It is about openness, debate, the free flow of information and deliberation—the very ideals that the Senate holds so dear.

It is also about ensuring that our constituents, the American citizenry, have access to the knowledge and information they need to make educated decisions and fully participate in our democracy.

Yet these freedoms which we hold so dear are not as safe as they have been in other times in the life of our Nation. They have come under attack by the heavy hand of Government in a manner not seen since the height of the Watergate scandal 30 years ago.

The press today is frequently being subpoenaed to appear in Federal court and threatened with fines and/or imprisonment if they refuse to reveal a confidential source to the prosecutor or attorneys involved in the lawsuit. In some instances, the prosecutor or attorneys might also request the reporter's notes, video outtakes, or other unpublished information.

In recent months, the press has come under intense pressure to reveal the identity of their confidential sources, threatening the public's right to know.

In Providence, RI, WJAR-TV reporter Jim Taricani aired an FBI surveillance tape in 2001 that showed an aide to Mayor Vincent ''Buddy'' Cianci accepting a bribe from a local businessman. Taricani broke no law in airing the tape, but a special prosecutor was subsequently brought in to investigate who leaked the information. He refused to identify the source and was convicted of criminal contempt yesterday in Federal court. Taricani now faces 6 months in prison when he is sentenced in December.

Perhaps the most alarming instance in recent months of the growing threat to the sacred right to freedom of speech in America is the case of Judith Miller of the New York Times. Last month, a Federal judge held Miller in contempt of court for refusing to name her sources to prosecutors investigating the disclosure to syndicated columnist Robert Novak and to other journalists of Valerie Plame's identity as a covert CIA agent. Plame's husband, former Ambassador Joseph Wilson, IV, had in a New York Times editorial criticized the Bush administration for claiming that Iraq had tried to buy uranium from Niger.

Unidentified senior administration officials revealed Plame's identity to Robert Novak and other Washington area journalists, allegedly as an act of revenge for Wilson speaking out against President Bush's rationale for invading Iraq.

Mr. Novak then published Plame's identity in a July 2003 column, which prompted an investigation by the Justice Department and the subpoenaing of several journalists before a Federal grand jury, including Judith Miller, Tim Russert of NBC's ''Meet the Press,'' Walter Pincus and Glen Kessler of the Washington Post, and Time magazine reporter Matthew Cooper.

Some of these reporters have talked to the prosecutors after the alleged Government sources signed waivers releasing the journalists from any pledge of confidentiality. New York Times reporter Judith Miller, however, has refused to testify, even under the limited terms of the waiver. As a result, she is being held in contempt of court and could face up to 18 months in jail unless she agrees to testify.

What is so surprising about this case is that Judith Miller never even published an article in the New York Times, or any other newspaper or magazine for that matter, about Valerie Plame. The mere fact that Miller contemplated writing such an article and had conducted interviews for it was enough for the judge to hold her in contempt of court for refusing to name sources.

Currently, 31 States and the District of Columbia have enacted protections for gatherers and disseminators of news and information. They include red States, blue States, Alabama, North Carolina, and Montana, for example.

Why then is there a need for a Federal statute in this area? A strong and uniformed Federal law on shielding would provide uniformity and consistency to the patchwork of inconsistent court decisions and State statutes currently in place.

In many instances, whether the disclosure will be compelled and how much information will be disclosed depends upon the particular State in which the journalist is pursuing a story when he or she is subpoenaed. The different potential outcomes affect reporters' practices, the flow of information, the articles written or not written, in various news media. It ultimately impacts the public's ability to learn about matters of interest and importance as well.

The protections that these laws and court rulings provide vary widely in detail and in scope. For example, some States grant nearly complete protection for sources and information, while

others provide little or none. In addition, the protections may differ in their applicability to criminal and/or civil proceedings.

In the Federal court system, for instance, most have interpreted Branzburg, a 1972 United States Supreme Court decision, to provide at least qualified news gathering protection—that is, a protection that can be overcome in certain circumstances. A few Federal courts, however, such as the Seventh Circuit, have rejected such protection, or have limited it only to when the subpoenas are being used to harass the press.

For those reasons, I think it is quite clear that a national standard would protect gatherers and disseminators of information from the varying State statutes and their interpretations by State courts. This goal is exactly what the Free Speech Protection Act of 2004 would achieve.

Under the legislation, the protection against compelled disclosure for sources would be absolute. The protection against compelled disclosure of news and information, however, is qualified. That is, an individual involved in gathering news would be required to reveal their unpublished material only under certain circumstances. The legislation requires three criteria to be met before such news or information can be disclosed.

First, the person seeking the news or information must prove by clear and convincing evidence that the news or information is critical or necessary to significant legal issues before a judicial, legislative, or administrative body that has the power to issue a subpoena.

Secondly, the news or information could not be obtained by alternative means. Finally, there is an overriding public interest in the disclosure that must exist.

The legislation I am introducing this evening is a work in progress. Obviously, in the coming weeks I intend to further refine it, and in the 109th Congress to seek out my colleagues' advice and counsel on how we might proceed. I am nevertheless introducing this bill in the closing hours of this Congress because I believe the Senate discussion of this matter is urgent. The public's right to know is under attack. When that happens, all Americans suffer since they are deprived of knowledge and information which affects their lives.

There are countless examples of information that we have received because there have been confidential sources who have come forward. Certainly, we can go back to Watergate, Whitewater, or Iran-Contra, Abu Ghirab—the prison scandal in Iraq—Enron, WorldCom, corporate governance issues, the list is almost endless. Had it not been for confidential sources coming forward and sharing information with a free press that would then share that with the public, if we had to rely exclusively on government press releases or press conferences, then we might never have learned anything about some of these issues which have been so vitally important to make our Government and our Nation stronger.

I urge my colleagues to take a look at this proposal and urge them to consider it when we return in January. I will reintroduce it again and urge them to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 3020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Free Speech Protection Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED PERSON.—The term ''covered person'' means a person who—

(A) engages in the gathering of news or information; and

(B) has the intent, at the beginning of the process of gathering news or information, to disseminate the news or information to the public.

(2) NEWS OR INFORMATION.—The term ''news or information'' means written, oral, pictorial, photographic, or electronically recorded information or communication concerning local, national, or worldwide events, or other matters.

(3) NEWS MEDIA.—The term ''the news media'' means—

(A) a newspaper;

(B) a magazine;

(C) a journal or other periodical;

(D) radio;

(E) television;

(F) any means of disseminating news or information gathered by press associations, news agencies, or wire services (including dissemination to the news media described in subparagraphs (A) through (E)); or

(G) any printed, photographic, mechanical, or electronic means of disseminating news or information to the public.

SEC. 3. COMPELLED DISCLOSURE PROHIBITED.

(a) IN GENERAL.—Except as provided in section 4, no entity of the judicial, legislative, or executive branch of the Federal Government with the power to issue a subpoena or provide other compulsory process shall compel any covered person who is providing or has provided services for the news media to disclose—

(1) the source of any news or information procured by the person, or any information that would tend to identify the source, while providing services for the news media, whether or not the source has been promised confidentiality; or

(2) any news or information procured by the person, while providing services for the news media, that is not itself communicated in the news media, including any—

(A) notes;

(B) outtakes;

(C) photographs or photographic negatives;

(D) video or sound tapes;

(E) film; or

(F) other data, irrespective of its nature, that is not itself communicated in the news media.

(b) SUPERVISORS, EMPLOYERS, AND PERSONS ASSISTING A COVERED PERSON.—The protection from compelled disclosure described in subsection (a) shall apply to a supervisor, employer, or any person assisting a person covered by subsection (a).

(c) RESULT.—Any news or information obtained in violation of the provisions of this section shall be inadmissible in any action, proceeding, or hearing before any entity of the judicial, legislative, or executive branch of the Federal Government.

SEC. 4. COMPELLED DISCLOSURE PERMITTED.

(a) NEWS OR INFORMATION.—A court may compel disclosure of news or information described in section 3(a)(2) and protected from disclosure under section 3 if the court finds, after providing notice and an opportunity to be heard to the person or entity from whom the news or information is sought, that the party seeking the news or information established by clear and convincing evidence that—

(1) the news or information is critical and necessary to the resolution of a significant legal issue before an entity of the judicial, legislative, or executive branch of the Federal Government that has the power to issue a subpoena;

(2) the news or information could not be obtained by any alternative means; and

(3) there is an overriding public interest in the disclosure.

(b) SOURCE.—A court may not compel disclosure of the source of any news or information described in section 3(a)(1) and protected from disclosure under section 3.

SEC. 5. ACTIVITIES NOT CONSTITUTING A WAIVER.

The publication by the news media, or the dissemination by a person while providing services for the news media, of a source of news or information, or a portion of the news or information, procured in the course of pursuing professional activities shall not constitute a waiver of the protection from compelled disclosure that is described in section 3.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 474—TO EXPRESS SUPPORT FOR THE GOALS OF NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING AMERICANS TO SECURE SAFETY, PERMANENCY, AND WELL BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mr. CRAIG, Mr. BOND, Mr. DEWINE, Mr. FITZGERALD, Mr. LEVIN, Mr. SANTORUM, Ms. STABENOW, Ms. MURKOWSKI, Mr. JOHNSON, Mr. BROWNBACK, Mr. NICKLES, Mr. INHOFE, Mr. JEFFORDS, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 474

Whereas there are approximately 532,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting to be adopted;

Whereas the average length of time a child in foster care remains in foster care is almost 3 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected is endless;

Whereas every year 25,000 children ''age out'' of foster care by reaching adulthood without being placed in a permanent home;

Whereas, since 1987, the number of annual adoptions has ranged from 118,000 to 127,000;

Whereas approximately 2,100,000 children in the United States live with adoptive parents;

Whereas approximately 6 of every 10 Americans have been touched personally by adoption in that they, a family member, or a close friend was adopted, has adopted a child, or has placed a child for adoption;

Whereas every day loving and nurturing families are formed when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas, on November 20, 2004, communities from all 50 States and the District of Columbia will celebrate National Adoption Day by finalizing the adoption of thousands of children by loving families; and

Whereas on November 4, 2004, the President proclaimed November 2004 as National Adoption Month: Now, therefore, be it

Resolved, That the Senate recognizes November 2004 as National Adoption Month.

SENATE RESOLUTION 475—TO CONDEMN HUMAN RIGHTS ABUSES IN LAOS

Mr. COLEMAN (for himself, Mr. FEINGOLD, Mr. KOHL, and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 475

Whereas the Lao People's Democratic Republic is an authoritarian, Communist, one-party state;

Whereas the Government of Laos has a poor human rights record, particularly with regard to its treatment of minorities.

Whereas the United States Central Intelligence Agency trained and armed tens of thousands of Hmong guerrillas to disrupt Viet Cong supply lines and rescue downed pilots during the Vietnam war;

Whereas in 1975, the Kingdom of Laos was overthrown by the Communist Pathet Lao regime, and tens of thousands of Laotians, including the Hmong, were killed or died at the hands of Communist forces while attempting to flee the Lao Communist regime, and many others perished in reeducation and labor camps;

Whereas tens of thousands of Hmong became refugees, eventually resettling in the United States, where they now reside as American citizens and lead constructive lives as members of our communities;

Whereas remnants of former Hmong insurgent groups and their families who once fought with the United States and the Royal Lao Government still remain in remote areas of Laos, including Xaisomboun Special Zone and the Luang Prabang Province;

Whereas in August 2003 the United Nations Committee to Eliminate Racial Discrimination strongly criticized the Lao People's Democratic Republic for failing to honor its obligations, expressed its grave concerns regarding reports of human rights violations, including brutalities inflicted on the Hmong, and deplored the measures taken by the Lao authorities to prevent any reporting of the situation of the Hmong;

Whereas in October 2003, Amnesty International issued a statement detailing its concern about the use of starvation by the Lao Government as a ''weapon of war against civilians'' in Laos and the deteriorating situation facing thousands of family members of ethnic minority groups;

Whereas the Department of State reported in its most recent Country Report on Human Rights Practices for Laos that the ''Government's human rights record remained poor,'' and highlighted press reports that one group of Hmong in Xaisomboun Special Zone, mostly women and children, was being systematically hunted down and attacked by government air and ground forces and that it was at the point of starvation;

Whereas international organizations, the Department of State, and Members of Congress have received reports of mistreatment over the past 6 months of Hmong in Laos emerging from remote areas of Laos, including the Xaisomboun Special Zone, the Luang Prabang-Xieng Khouang border area;

Whereas the Lao Government has not allowed independent organizations to monitor the treatment of the Hmong emerging from remote areas of Laos;

Whereas in September 2004, Amnesty International issued a statement condemning recent reports that Lao soldiers murdered 5 Hmong children, raping 4 girls, who were foraging for food close to their camp, and called it a war crime; and

Whereas the Lao People's Democratic Republic has failed to substantially improve the status of human rights for its citizens: Now therefore be it

Resolved, that the Senate—

(1) Condems the consistent pattern of serious human rights abuses in the Lao People's Democratic Republic;

(2) Urges the Government of Laos to increase international access to vulnerable populations and to respect the basic human rights of all Laotians, including ethnic and religious minorities; and

(3) Hopes that the Lao government intensifies its efforts to make its economy and society move open and transparent in light of the congressional grant of normal tragic relations to the Lao People's Democratic Republic.

SENATE RESOLUTION 476—SUPPORTING THE GOALS, ACTIVITIES, AND IDEALS OF NATIONAL PREMATURITY AWARENESS MONTH

Mr. ALEXANDER (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 476

Whereas preterm birth is a serious and growing problem;

Whereas, between 1982 and 2002, the rate of preterm birth increased 27 percent;

Whereas, in 2002, more than 480,000 babies were born prematurely in the United States;

Whereas 25 percent of all babies that die in the first month of life were born preterm;

Whereas premature infants are 14 times more likely to die in the first year of life;

Whereas premature babies who survive may suffer lifelong consequences, including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss;

Whereas preterm birth and low birthweight are a significant financial burden in health care;

Whereas, in 2002, the estimated charges for hospital stays for infants with a diagnosis of preterm birth or low birthweight were $15,500,000,000, a 12 percent increase since 2001;

Whereas the average lifetime medical costs of a premature baby are conservatively estimated at $500,000;

Whereas the cause of approximately half of all preterm births is unknown;

Whereas women who smoke during pregnancy are twice as likely as women who do not smoke during pregnancy to give birth to a low birthweight baby, and babies born to women who smoke during pregnancy weigh, on average, 200 grams less than babies born to women who do not smoke during pregnancy; and

Whereas to reduce the rates of preterm labor and delivery more research is needed on the underlying causes of preterm delivery, prevention of preterm birth so that babies are born full-term, and treatments improving outcomes for infants born prematurely: Now, therefore, be it

Resolved, That the Senate recognizes during the month of November, 2004, activities and programs that promote awareness of and solutions to the dangers of preterm birth across the United States.

SENATE RESOLUTION 477—EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF A REINVIGORATED UNITED STATES VISION OF FREEDOM, PEACE, AND DEMOCRACY IN THE MIDDLE EAST

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 477

Whereas the President articulated to the world on November 12, 2004, a vision of freedom, peace, and democracy for the broader Middle East;

Whereas this vision was also shared and expressed by Prime Minister Blair of the United Kingdom;

Whereas that vision includes a just and peaceful resolution of the Arab-Israeli conflict based on 2 democratic States, Israel and Palestine, living side by side in peace and security;

Whereas the President again stated his commitment to the security of Israel as a Jewish State;

Whereas the road map, endorsed by the United States, the United Kingdom, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, remains a realistic and widely recognized plan for making progress toward peace;

Whereas the international community should support Palestinian efforts to build the necessary political, economic, and security infrastructure essential to establishing a viable, democratic state;

Whereas there will be no lasting peace in the Middle East without a Palestinian State that is democratic, free, and based on the rule of law, including free press, free speech, an open political process, and religious tolerance;

Whereas the Palestinian leaders must meet their commitments under the road map to fight terrorism and dismantle terrorist organizations;

Whereas the Palestinian Authority will need a credible and unified security structure capable of providing security for the Palestinian people and fighting terrorism;

Whereas Palestinian leaders, with help from the international community, must also develop effective and transparent financial structures that provide for the economic and social needs of the Palestinian people;

Whereas the President stated that now is the time to seize the opportunity of new circumstances in the region to redouble our efforts to achieve this goal;

Whereas achieving the goals of peace, security, and stability will require the United States, its international partners, and the parties involved to take the following steps articulated in a Joint Statement by President Bush and Prime Minister Blair on November 12, 2004:

(1) recommit to the overarching 2-State vision set out by President Bush in his statement of June 24, 2002 and repeated in the road map;

(2) support the Palestinians as they choose a new President within the next 60 days, and as they embark upon an electoral process that will lead to lasting democratic institutions;

(3) mobilize international support behind a plan to ensure that the Palestinians have the political, economic, and security infrastructure they need to create a free, viable, and democratic State, including free press, free speech, an open political process, and religious tolerance;

(4) support the disengagement plan of Prime Minister Sharon from Gaza and stipulated parts of the West Bank as part of this overall plan; and

(5) recognize that these steps lay the basis for more rapid progress on the road map as a reliable guide leading to final status negotiations;

Whereas the United States will join with others in the international community to foster the development of Palestinian democratic political institutions, support the new leadership of the Palestinians that is committed to those institutions, assist in the reconstruction of civic institutions, promote the growth of a free and prosperous economy, and endorse the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations; and

Whereas in order to promote a lasting peace, all States in the region must oppose violence and terrorism, foster the development of democratic political and civic institutions, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it

Resolved that the Senate—

(1) endorses the Joint Statement made by President Bush and Prime Minister Blair on November 12, 2004, expressing a shared vision of freedom, peace, and democracy in the broader Middle East and supports a reinvigorated and concerted United States-led international effort to achieve that vision;

(2) supports explicitly the steps presented by President Bush and Prime Minister Blair in that Joint Statement as the basis for more rapid progress on the road map as a reliable guide leading to final status negotiations;

(3) reaffirms its commitment to a vision of 2 democratic States, Israel and Palestine, living side by side in peace and security as the key to peace; and

(4) expresses its commitment to the road map, which was endorsed by the United States, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, as a realistic and widely recognized plan for making progress toward peace.

SENATE RESOLUTION 478—RELATING TO DISPLACED STAFF MEMBERS OF SENATORS AND SENATE LEADERS

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 478

Resolved, That (a) paragraphs (3) and (4) of section 6(a) of Senate Resolution 458, 98th Congress, agreed to October 4, 1984 (as amended by Senate Resolution 9, 103d Congress, agreed to January 7, 1993) are amended to read as follows:

''(3) The term 'eligible staff member' means an individual—

''(A) who was an employee—

''(i) of a committee or subcommittee thereof or a Senate leadership office described in subsection (b) of the first section of this resolution, or

''(ii) in an office of a Senator on the expiration of the term of office of such Senator as a Senator, but only if the Senator is not serving as a Senator for the next term of office and was a candidate in the general election for such next term,

''(B) whose employment described in subparagraph (A) was at least 183 days (whether or not service was continuous) before the date of termination of employment described in paragraph (4), and

''(C) whose pay is disbursed by the Secretary of the Senate.

The term 'eligible staff member' shall not include an employee to whom the first section of this resolution applies.

''(4) The term 'displaced staff member' means an eligible staff member—

''(A) whose service as an employee of the Senate is terminated solely and directly as a result of—

''(i) in the case of employment described in paragraph (3)(A)(i), a change in the individual occupying the position of Chairman or Ranking Minority Member of a committee or in the individual occupying the Senate leadership office, and

''(ii) in the case of employment described in paragraph (3)(A)(ii), the expiration of the term of office of the Senator, and

''(B) who is certified, not later than 60 days after the date of the change or expiration of term of office, whichever is applicable, as a displaced staff member by the Chairman or Ranking Minority Member of the committee, the Senator occupying the Senate leadership office, or the Senator whose term is expiring, whichever is applicable, to the Secretary of the Senate.''.

(b) Subsection (b) of the first section of such Senate Resolution 458 is amended—

(1) by inserting ''President pro tempore emeritus,'' after ''Deputy President pro tempore,'';

(2) by striking ''or'' before ''Secretary''; and

(3) by inserting ''the Chairman of the Conference of the Majority, the Chairman of the Conference of the Minority, the Chairman of the Majority Policy Committee, or the Chairman of the Minority Policy Committee,'' before ''the employees of such office''.

SENATE CONCURRENT RESOLUTION 150—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE MURDER OF EMMETT TILL

Mr. SCHUMER (for himself and Mr. TALENT) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 150

Whereas Emmett Till was born in Chicago, Illinois, at Cook County Hospital, on July 25, 1941, to Mamie and Louis Till;

Whereas Emmett Till traveled to Money, Mississippi, to spend the summer with his uncle, Moses Wright, and his relatives;

Whereas in August 1955, 14-year-old Emmett Till—with adolescent flamboyance, but unfamiliarity of the racial customs of the South—allegedly whistled at Carolyn Bryant, a White woman;

Whereas on August 28, at about 2:30 a.m., Roy Bryant, Carolyn Bryant's husband, and his half brother, J.W. Milam, kidnaped Emmett Till from his uncle Moses Wright's home;

Whereas Bryant and Milam brutally beat Emmett Till, took him to the edge of the Tallahatchie River, shot him in the head, fastened a large metal fan used for ginning cotton to his neck with barbed wire, and pushed the body into the river;

Whereas 3 days later, Emmett Till's decomposed corpse was pulled from the Tallahatchie River;

Whereas Emmett's mother, Mamie Till, made the extraordinary decision to leave the casket open at her son's funeral in Chicago, in order to allow the world to see the brutality of the crime perpetrated against her son;

Whereas tens of thousands of people viewed Emmett Till's body in a Chicago church for 4 days; and press from around the world published photographs of Emmett's maimed face; and the sheer brutality of his murder became international news that highlighted the violent racism of the Jim Crow South;

Whereas Jet Magazine and the Chicago Defender published photographs of Emmett Till's body outraging African-Americans around the United States;

Whereas the trial of J.W. Milam and Roy Bryant began in September of that year with an all-male, all-White jury, because African-Americans and women were banned from serving;

Whereas the trial of Milam and Bryant was a microcosm of the Jim Crow South: African-Americans were packed in a specific section of the courtroom balcony; the defendants' families were seen laughing and joking with the prosecution and the jury; and food and snacks were passed out to White observers;

Whereas Moses Wright did the unthinkable as an African-American and openly accused the White defendants in public court of murdering his nephew;

Whereas Moses Wright was run out of town for his actions in court;

Whereas J.W. Milam and Roy Bryant were acquitted of the murder of Emmett Till, and Bryant celebrated his acquittal with his wife in front of the cameras;

Whereas protected from further prosecution, Milam and Bryant candidly confessed their torture and murder of Emmett Till; Milam did so on the record to Look Magazine for $4,000;

Whereas Mamie Till and thousands of others pleaded with the Department of Justice and the Federal Bureau of Investigation to reopen and investigate the case;

Whereas the Federal Government did absolutely nothing, and President Eisenhower and FBI Director J. Edgar Hoover refused to reopen the case and did not even answer Mamie Till's urgent telegraph;

Whereas 100 days later, Rosa Parks refused to give up her bus seat to a White patron and the modern civil rights revolution began;

Whereas many historians regard the murder of Emmett Till as the true spark of the civil rights movement;

Whereas Mamie Till, who died on January 6, 2003, moved back to Chicago, taught, and continued to talk about her son Emmett's murder; and expressed her wishes for a full Federal investigation;

Whereas more than 48 years have passed since the murder of Emmett Till;

Whereas the remaining witnesses to this gruesome crime are elderly;

Whereas House Concurrent Resolution 360 entitled ''Expressing the sense of Congress with respect to the murder of Emmett Till'', was introduced on February 10, 2004, by Representative Bobby Rush;

Whereas the Department of Justice reopened the investigation into the murder of Emmett Till on May 11, 2004; and

Whereas Congress supports the decision to reopen the investigation of the murder of Emmett Till: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls on all authorities with jurisdiction, including the Department of Justice and the State of Mississippi, to—

(A) expeditiously bring those responsible for the murder of Emmett Till to justice, due

to the amount of time that has passed since the murder and the age of the witnesses; and

(B) provide all the resources necessary to ensure a timely and thorough investigation; and

(2) calls on the Department of Justice to fully report the findings of their investigation to Congress.

SENATE CONCURRENT RESOLUTION 151—RECOGNIZING THE ESSENTIAL ROLE THAT THE ATOMIC ENERGY ACT OF 1954 HAS PLAYED IN DEVELOPMENT OF PEACEFUL USES OF ATOMIC ENERGY

Mr. DOMENICI submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works:

S. CON RES. 151

Whereas the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) followed and sought to implement the Atoms for Peace speech of President Dwight David Eisenhower in December 1953, which provided the United States and the world with a blueprint for commercial development of atomic energy to the benefit of humanity;

Whereas the Atomic Energy Act of 1954 defined mechanisms for the production, control, and use of nuclear materials;

Whereas the Atomic Energy Act of 1954 provided the initial framework for regulation of nuclear material and facilities and provided recognition that such control is necessary in the national interest to ensure the common defense and security and to protect the health and safety of the public;

Whereas the Atomic Energy Act of 1954 recognized the need for development and use of atomic energy under conditions to promote the general welfare;

Whereas the Atomic Energy Act of 1954 recognized that it was in the national interest to conduct a comprehensive program of research and development to optimize the benefits of nuclear technologies for humanity;

Whereas the Atomic Energy Act of 1954 set forth the necessity to control certain types of information, material, and facilities for security purposes, while ensuring unclassified dissemination of appropriate scientific and technical information;

Whereas the Atomic Energy Act of 1954 provided the initial framework for international cooperation in nuclear technologies, under suitable controls to ensure common defense and security, to provide cooperating nations with the benefits of peaceful uses of atomic energy; and

Whereas the legacy of the Atomic Energy Act of 1954, with 103 operating nuclear power plants in the United States providing 20 percent of the electricity supply of the United States, is invaluable in providing clean, emission-free, reliable power to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that the enactment of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) was an essential step in the development and use of a range of civilian nuclear technologies to the benefit of humanity;

(2) commends and remembers the authors of the original Atomic Energy Act of 1954 for their foresight and leadership; and

(3) commemorates the role played by President Dwight David Eisenhower in his historic Atoms for Peace speech and the leadership he demonstrated in recognizing 50 years ago that the benefits of nuclear technologies would be realized only through a careful national and international system of control, regulation, and use.

AMENDMENTS SUBMITTED & PROPOSED

SA 4068. Mr. CRAIG (for Mr. CAMPBELL) proposed an amendment to the bill S. 1438, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

SA 4069. Mr. CRAIG (for Mr. CAMPBELL) proposed an amendment to the resolution S. Res. 248, expressing the sense of the Senate concerning the individual Indian money account trust fund lawsuit.

SA 4070. Mr. CRAIG (for Mr. CAMPBELL) proposed an amendment to the resolution S. Res. 248, supra.

SA 4071. Mr. SESSIONS (for Mr. LUGAR) proposed an amendment to the bill H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

SA 4072. Mr. SESSIONS (for Mr. LEAHY (for himself, Mr. SCHUMER, Mr. LOTT, Mr. HATCH, and Mr. CORNYN)) proposed an amendment to the bill S. 2873, to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

SA 4073. Mr. SESSIONS (for Mr. DORGAN) proposed an amendment to the bill S. 2154, to establish a National sex offender registration database, and for other purposes.

TEXT OF AMENDMENTS

SA 4068. Mr. CRAIG (for Mr. CAMPBELL) proposed an amendment to the bill S. 1438, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; as follows:

In section 9(c), redesignate paragraph (3) as paragraph (4).

In section 9(c), after paragraph (2), insert the following:

(3) RETENTION OF NATIONAL PARK SYSTEM STATUS.—

(A) IN GENERAL.—Land transferred under this section that, before the date of enactment of this Act, was included in the Lake Roosevelt National Recreation Area shall remain part of the Recreation Area.

(B) ADMINISTRATION.—Nothing in this section affects the authority or responsibility of the National Park Service to administer the Lake Roosevelt National Recreation Area under the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.).

On page 23, Section 6, after line 13 insert the following:

(c) PAYMENT RECOVERY.—Pursuant to the payment schedule in subsection (b), the Administrator shall make commensurate cost reductions in expenditures on an annual basis to recover each payment to the Tribe. The Administrator shall include this specific cost reduction plan in the annual budget submitted to Congress.

On page 28, after line 3, insert the following:

SEC. 12. PRECEDENT.—Nothing in this Act establishes any precedent or is binding on the Southwestern Power Administration, Western Area Power Administration, or Southeastern Power Administration.

SA 4069. Mr. CRAIG (for Mr. CAMPBELL) proposed an amendment to the resolution S. Res. 248, expressing the sense of the Senate concerning the individual Indian money account trust fund lawsuit; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the interests of the Indian beneficiaries and the United States would best be served by a voluntary alternative dispute resolution process, not limited to mediation, that will lead to a full, fair, and final resolution of potential individual Indian money account claims; and

(2) Federal legislation may be necessary to ensure a full, fair, and final resolution of the class action litigation.

SA 4070. Mr. CRAIG (for Mr. CAMPBELL) proposed an amendment to the resolution S. Res. 248, expressing the sense of the Senate concerning the individual Indian money account trust fund lawsuit; as follows:

Strike the preamble and insert the following:

Whereas, since the 19th century, the United States has held Indian funds and resources in trust for the benefit of Indians, and in its capacity as trustee, is obligated to protect those funds and resources;

Whereas the Senate reaffirms that in continuing to hold and manage Indian funds and resources for the benefit of the Indians, the United States must act in accordance with all applicable standards and duties of care;

Whereas, in 1996, a class action was brought against the United States seeking an accounting of balances of individual Indian money accounts and rehabilitation of the trust system;

Whereas after 8 years of litigation and the expenditure of tens of millions of dollars in Federal funds, the Senate believes that there is a demonstrated need to assist and encourage the parties in reaching a full, fair, and final resolution to the class action litigation; and

Whereas the resolution of the class action litigation may be achieved through alternative dispute resolution processes, including mediation: Now, therefore, be it

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SA 4071. Mr. SESSIONS (for Mr. LUGAR) proposed an amendment to the bill H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENT AND EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.

(a) IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT.—

(1) PROGRAM PARTICIPANT REQUIREMENTS.—Section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended by adding at the end the following:

''(5) PROGRAM PARTICIPANT REQUIREMENTS.—An alien entering the United States as a participant in the program shall satisfy the following requirements:

''(A) The alien shall be a citizen of the United Kingdom or the Republic of Ireland.

''(B) The alien shall be between 21 and 35 years of age on the date of departure for the United States.

''(C) The alien shall have resided continuously in a designated county for not less than 18 months before such date.

''(D) The alien shall have been continuously unemployed for not less than 12 months before such date.

''(E) The alien may not have a degree from an institution of higher education.''.

(2) EXTENSION OF PROGRAM.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) in subsection (a)(3), by striking ''the third program year and for the 4 subsequent years,'' and inserting ''each program year,''; and

(B) by amending subsection (d) to read as follows:

''(d) SUNSET.—

''(1) Effective October 1, 2008, the Irish Peace Process Cultural and Training Program Act of 1998 is repealed.

''(2) Effective October 1, 2008, section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

''(A) by striking 'or' at the end of clause (i);

''(B) by striking '(i)' after '(Q)'; and

''(C) by striking clause (ii).''.

(3) COST-SHARING.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note), as amended by paragraph (2), is further amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b), the following new subsection:

''(c) COST-SHARING.—The Secretary of State shall verify that the United Kingdom and the Republic of Ireland continue to pay a reasonable share of the costs of the administration of the cultural and training programs carried out pursuant to this Act.''.

(4) TECHNICAL AMENDMENTS.—The Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(B) by striking ''Immigration and Naturalization Service'' each place such term appears and inserting ''Department of Homeland Security''.

(b) IMMIGRATION AND NATIONALITY ACT.—

(1) REQUIREMENTS FOR NONIMMIGRANT STATUS.—Section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

(A) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(B) in clause (ii)(I)—

(i) by striking ''35 years of age or younger having a residence'' and inserting ''citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months''; and

(ii) by striking ''36 months)'' and inserting ''24 months)''.

(2) FOREIGN RESIDENCE REQUIREMENT.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(A) by redesignating the subsection (p) as added by section 1505(f) of Public Law 106–386 (114 Stat. 1526) as subsection (s); and

(B) by adding at the end the following:

''(t)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I), or acquiring such status after admission, shall be eligible to apply for nonimmigrant status, an immigrant visa, or permanent residence under this Act until it is established that such person has resided and been physically present in the person's country of nationality or last residence for an aggregate of at least 2 years following departure from the United States.

''(2) The Secretary of Homeland Security may waive the requirement of such 2-year foreign residence abroad if the Secretary determines that—

''(A) departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or an alien lawfully admitted for permanent residence); or

''(B) the admission of the alien is in the public interest or the national interest of the United States.''.

SA 4072. Mr. SESSIONS (for Mr. LEAHY (for himself, Mr. SCHUMER, Mr. LOTT, Mr. HATCH, and Mr. CORNYN)) proposed an amendment to the bill S. 2873, to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois; as follows:

At the end of the bill add the following:

SEC. 2. HOLDING OF COURT AT CLEVELAND, MISSISSIPPI.

Section 104(a)(3) of title 28, United States Code, is amended in the second sentence by inserting ''and Cleveland'' after ''Clarksdale''.

SEC. 3. PLACE OF HOLDING COURT IN TEXARKANA, TEXAS, AND TEXARKANA, ARKANSAS.

Sections 83(b)(1) and 124(c)(5) of title 28, United States Code, are each amended by inserting after ''held at Texarkana'' the following: '', and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas''.

SEC. 4. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by striking ''and Watertown'' and inserting ''Watertown, and Plattsburgh''.

SEC. 5. PLACE OF HOLDING COURT IN THE DISTRICT OF COLORADO.

Section 85 of title 28, United States Code, is amended by inserting ''Colorado Springs,'' after ''Boulder,''.

SA 4073. Mr. SESSIONS (for Mr. DORGAN) proposed an amendment to the bill S. 2154, to establish a National sex offender registration database, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dru Sjodin National Sex Offender Public Database Act of 2004'' or ''Dru's Law''.

SEC. 2. DEFINITION.

In this Act:

(1) CRIMINAL OFFENSE AGAINST A VICTIM WHO IS A MINOR.—The term ''criminal offense against a victim who is a minor'' has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(2) MINIMALLY SUFFICIENT SEXUAL OFFENDER REGISTRATION PROGRAM.—The term ''minimally sufficient sexual offender registration program'' has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

(3) SEXUALLY VIOLENT OFFENSE.—The term ''sexually violent offense'' has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(4) SEXUALLY VIOLENT PREDATOR.—The term ''sexually violent predator'' has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

SEC. 3. AVAILABILITY OF THE NSOR DATABASE TO THE PUBLIC.

(a) IN GENERAL.—The Attorney General shall—

(1) make publicly available in a registry (in this Act referred to as the ''public registry'') from information contained in the the National Sex Offender Registry, via the Internet, all information described in subsection (b); and

(2) allow for users of the public registry to determine which registered sex offenders are currently residing within a radius, as specified by the user of the public registry, of the location indicated by the user of the public registry.

(b) INFORMATION AVAILABLE IN PUBLIC REGISTRY.—With respect to any person convicted of a criminal offense against a victim who is a minor or a sexually violent offense, or any sexually violent predator, required to register with a minimally sufficient sexual offender registration program within a State, including a program established under section 170101 of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14017(b)), the public registry shall provide, to the extent available in the National Sex Offender Registry—

(1) the name and any known aliases of the person;

(2) the date of birth of the person;

(3) the current address of the person and any subsequent changes of that address;

(4) a physical description and current photograph of the person;

(5) the nature of and date of commission of the offense by the person;

(6) the date on which the person is released from prison, or placed on parole, supervised release, or probation; and

(7) any other information the Attorney General considers appropriate.

SEC. 4. RELEASE OF HIGH RISK INMATES.

(a) CIVIL COMMITMENT PROCEEDINGS.—

(1) IN GENERAL.—Any State that provides for a civil commitment proceeding, or any equivalent proceeding, shall issue timely notice to the attorney general of that State of the impending release of any person incarcerated by the State who—

(A) is a sexually violent predator; or

(B) has been deemed by the State to be at high-risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(2) REVIEW.—Upon receiving notice under paragraph (1), the State attorney general shall consider whether or not to institute a civil commitment proceeding, or any equivalent proceeding required under State law.

(b) MONITORING OF RELEASED PERSONS.—

(1) IN GENERAL.—Each State shall intensively monitor, for not less than 1 year, any person described under paragraph (2) who—

(A) has been unconditionally released from incarceration by the State; and

(B) has not been civilly committed pursuant to a civil commitment proceeding, or any equivalent proceeding under State law.

(2) APPLICABILITY.—Paragraph (1) shall apply to—

(A) any sexually violent predator; or

(B) any person who has been deemed by the State to be at high-risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(c) COMPLIANCE.—

(1) COMPLIANCE DATE.—Each State shall have not more than 3 years from the date of enactment of this Act in which to implement the requirements of this section.

(2) INELIGIBILITY FOR FUNDS.—A State that fails to implement the requirements of this section, shall not receive 25 percent of the funds that would otherwise be allocated to

the State under section 20106(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706(b)).

(3) REALLOCATION OF FUNDS.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

60TH ANNIVERSARY OF THE BATTLE OF THE BULGE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 110, which has been received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 110) recognizing the 60th anniversary of the Battle of the Bulge during World War II.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statement related to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 110) was read the third time and passed.

The preamble was agreed to.

PREMATURITY AWARENESS MONTH

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 476, introduced earlier today by Senator ALEXANDER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 476) supporting the goals, activities and ideals of National Prematurity Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

PREMATURITY AWARENESS MONTH

Mr. ALEXANDER. Mr. President, I rise today to discuss the increasing number of babies born too early. The March of Dimes has designated November as Prematurity Awareness Month to draw attention to the growing, costly and serious public health problem of preterm birth. My colleague, Senator DODD, and I have introduced a resolution supporting this effort and look forward to swift approval in the Senate.

Nationwide, over 480,0000 babies were born prematurely in 2002. In my own State of Tennessee, one of every seven babies born in 2002 was born preterm, and the rate of preterm births in Tennessee has risen more than 9 percent since 1992.

Earlier this year, the Subcommittee on Children and Families, which I chair, held a hearing to learn about the devastating effects of preterm birth and what our government agencies and private organizations are doing to combat this crisis. We heard the inspirational story of Kelley Bolton Jordan and her daughter, Whitney, from Memphis, Tennessee. Whitney was born 3½ months early and weighed just 1 lb. 10 oz. Imagine a leg so small it could fit through a wedding ring.

Whitney spent 3 grueling months in intensive care. She is now a healthy, happy 3 year-old and has no repercussions from her early birth—other babies are not as lucky. Preterm birth takes a severe toll on America's families and strains our health care system. Each year, 100,000 children develop health problems because of their early births, including cerebral palsy and vision and hearing loss. And preterm birth is the leading cause of death in the first month of life.

With over half the causes of preterm birth unknown, more research is desperately needed. That's why I plan to re-introduce ''the PREEMIE Act'' and hope that the Senate can pass this legislation in the 109th Congress.

I commend the March of Dimes for its dedication in working toward a day when babies and their families no longer have to face the devastating consequences of premature birth. If we work together to focus public and private resources on this problem, we can decrease the number of premature births in every state.

Mr. DODD. Mr. President, I draw attention to the growing problem of premature birth. As a sponsor of the PREEMIE Act, with my colleague Senator ALEXANDER, I have heard the stories about the strain a premature birth places on families, as well as the lifelong health problems many preterm children face.

Nationwide, 1 out of every 8 babies is born too early. In my own State of Connecticut, 1 of every 10 babies born in 2002 was preterm and the rate of preterm births in Connecticut has risen more than 11% since 1992.

Senator ALEXANDER and I are introducing a resolution to raise awareness of this public health crisis. As part of their 5-year campaign designed to use the combined power of awareness, education, and research to significantly decrease the number of premature births in the United States, the March of Dimes has designated November as Prematurity Awareness Month. I am pleased to be supporting this campaign.

I urge my colleagues to find out about the toll of premature births in their states and to work together to solve this problem. I hope we can move the PREEMIE Act quickly in the 109th Congress in order to expand the Government's efforts to reduce the rates of preterm birth.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 476) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 476

Whereas preterm birth is a serious and growing problem;

Whereas, between 1982 and 2002, the rate of preterm birth increased 27 percent;

Whereas, in 2002, more than 480,000 babies were born prematurely in the United States;

Whereas 25 percent of all babies that die in the first month of life were born preterm;

Whereas premature infants are 14 times more likely to die in the first year of life;

Whereas premature babies who survive may suffer lifelong consequences, including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss;

Whereas preterm birth and low birthweight are a significant financial burden in health care;

Whereas, in 2002, the estimated charges for hospital stays for infants with a diagnosis of preterm birth or low birthweight were $15,500,000,000, a 12 percent increase since 2001;

Whereas the average lifetime medical costs of a premature baby are conservatively estimated at $500,000;

Whereas the cause of approximately half of all preterm births is unknown;

Whereas women who smoke during pregnancy are twice as likely as women who do not smoke during pregnancy to give birth to a low birthweight baby, and babies born to women who smoke during pregnancy weigh, on average, 200 grams less than babies born to women who do not smoke during pregnancy; and

Whereas to reduce the rates of preterm labor and delivery more research is needed on the underlying causes of preterm delivery, prevention of preterm birth so that babies are born full-term, and treatments improving outcomes for infants born prematurely: Now, therefore, be it

Resolved, That the Senate recognizes during the month of November, 2004, activities and programs that promote awareness of and solutions to the dangers of preterm birth across the United States.

IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2004—CONFERENCE REPORT

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to the conference report to accompany H.R. 1350, the IDEA bill, that the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I am pleased that we are now considering the conference report on the Individuals with Disabilities Education Improvement Act. This bill reauthorizes IDEA, our Federal law governing special education services for children with disabilities.

As we close in on the 30-year anniversary of the Federal role in special education, I think it important to highlight where we were, where we are and

where we are going to ensure that children with disabilities are provided a high-quality education that prepares them for life outside the classroom.

Almost 30 years ago, the Education for All Handicapped Children Act opened schoolhouse doors for children with disabilities. Prior to that landmark legislation, most students with disabilities did not attend public school. Indeed, many States had laws excluding certain children with disabilities from their schools, including the blind, deaf, emotionally disturbed or children with mental retardation.

Today, special education programs have been established in virtually every school district in America. The overwhelming majority of children with disabilities—about 96 percent—learn in regular schools with other children, not in state institutions or separate facilities. In fact, half of students with disabilities spend 80 percent or more of their day in regular classrooms. Those students are increasingly gaining access to higher education, too. College enrollment rates among students with disabilities have more than tripled.

Clearly, we have come a long way from the time when our students with disabilities were excluded from public schools. Still, we know that there is much to be done to ensure that children with disabilities get a better education and that we make it easier for schools to provide that education to these students.

With this understanding, we have worked for more than two years to improve IDEA, keeping the needs of children with disabilities, whom we have a duty to serve, foremost in our thoughts, while balancing concerns of equity and fairness.

With significant input from parents, educators and disability groups, as well as the recommendations of the President's Commission on Excellence in Special Education, both the House and Senate passed bills that would have done much to improve IDEA and to ensure that children with disabilities receive a quality results-based education. But important differences remained.

After weeks of sometimes intense negotiations, our conference committee ironed out those differences and reached agreement yesterday on a final report, bringing us one step closer to enacting important reforms that will benefit the more than 6.5 million children served by IDEA, as well as their parents, teachers, and schools.

The conference report before us focuses on improved academic results for children with disabilities; frees special education teachers from bureaucratic requirements, and offers them important flexibility; helps parents and schools work together better; creates the safest possible classroom environment for all students; and strikes an appropriate balance between protecting the educational rights of children with disabilities, while making IDEA less litigious.

This report does five very important things.

First, it reinforces the most basic goal under IDEA: making sure students are learning. The report shifts focus away from compliance with burdensome and confusing rules, and places a renewed emphasis on our most fundamental concern making sure that children with disabilities receive a quality education.

Specifically, the report: ensures States focus on improved academic results and functional performance for students with disabilities; clarifies methods for measuring student progress by replacing arbitrary benchmarks and short-term objectives with academic assessments under NCLB, including alternate assessments; provides for a national study of valid and reliable alternate assessment systems and how alternate assessments align with State content standards; and allows for the development of new approaches to determine whether students have specific learning disabilities by clarifying that schools are not limited to using the IQ-achievement discrepancy model that relies on a ''wait to fail'' approach.

Second, it enables teachers to better serve their students by: clarifying what it means to be a highly qualified special education teacher, and offering flexibility to new teachers who teach multiple subjects, and to teachers teaching children with severe cognitive disabilities; making it easier for special education teachers to both enter into and remain in the field of special education; focusing more resources and attention on professional development for both general and special education teachers serving children with disabilities; creating a paperwork reduction demonstration program to increase the time teachers spend on instruction and decrease the time they spend complying with cumbersome, bureaucratic requirements; and eliminating paperwork by eliminating short-term objectives for most students and reducing the number of times per year that procedural safeguards notices must be sent to parents.

Third, it facilitates a better relationship between parents and schools, and improves parental involvement and options by: providing parents with increased information and access to resources to support them though dispute resolution and due process; encouraging early mediation and prompt resolution of disputes; providing new opportunities for parents and schools to meet in order to resolve problems before going to a due process hearing; allowing parents and schools to agree to make changes to an IEP during the year without having to convene a formal IEP meeting; and increasing parental involvement in IEP meetings by allowing use of teleconferencing, video conferencing, and other means of participation.

Fourth, this report ensures safety and improves discipline for all children by: making the discipline provisions in current law easier to understand and implement and more fair and equitable; ensuring that positive behavioral interventions and supports remain an option on the IEP; and empowering schools to discipline children whose behavior is not the direct result of their disability.

Fifth, it provides fiscal relief to school districts by: including a 7-year discretionary glide path to full funding through the discretionary appropriations process; providing new resources to assist school districts in delivering a free appropriate public education to high-need children who may require expensive services; simplifying funding for grants, making future years' funding levels and amounts more predictable; and giving districts flexibility to shift some local funding for certain programs to other ESEA priorities as federal IDEA funding increases.

I thank all members of the conference committee and their dedicated staff for their hard work on this report and their cooperative spirit in working toward this day. It is certainly an endeavor of which we can all be proud.

I can think of no finer way to bring my tenure as chairman of the Senate Health, Education, Labor, and Pensions Committee to a close than by completing action on this legislation.

In particular, I would like to thank: Senator KENNEDY, and his staff, Connie Garner and Roberto Rodriguez; Senator BINGAMAN and his staff, Michael Yudin; Senator SESSIONS and his staff, John Little and Prim Formby; Senator ALEXANDER and his staff, Kristin Bannerman; Congressman BOEHNER, and his staff, David Cleary, Melanie Looney, Krisann Pearce, and Sally Lovejoy; Congressman MILLER, and his staff, Alex Nock; Legislative Counsel attorneys Mark Foster and Mark Synnes, without whose assistance we could not have conferenced this bill in 6 weeks; and Department of Education staff Karen Quarles, Christy Wolfe, Suzanne Sheridan, Paul Riddle, Carol Cichowski, Bill Knudsen and Michele Rovins for their superb technical assistance.

Finally, I thank members of my own staff. Both Annie White and Denzel McGuire spent countless hours shepherding this legislation, and meeting with parents, educators, school groups and disability groups, while working to improve policy and reach compromises on the many difficult issues herein. Without their tireless efforts and passion for helping students with disabilities to achieve their fullest potential, we most certainly would not be here today. I would also like to recognize the efforts of Bill Lucia, Courtney Brown, and Kelly Scott.

I am hopeful that we will quickly approve this conference report, so that the President can sign this important legislation into law.

ATTORNEY'S FEES

Mr. KENNEDY. Mr. President, I would like to take a moment to clarify

an oversight with Senator GREGG that is important for the record.

Senator GREGG, a sentence in the Statement of Managers' language of the conference report that provided the explanation for the attorney's fees language was inadvertently left out. By adding at Note 231 sections detailing the limited circumstances in which local educational agencies and State educational agencies can recover attorney's fees, specifically Sections 615(i)(3)(B)(i)(II) and (III), the conferees intend to codify the standards set forth in Christiansburg Garment Co. v. EEOC, 434 U.S. 412 (1978). According to Christiansburg, attorney's fees may only be awarded to defendants in civil rights cases where the plaintiffs claims are frivolous, without foundation or brought in bad faith. Is that your understanding as well?

Mr. GREGG. Mr. President, the Senator from Massachusetts is correct and that is my understanding as well.

Mr. REED. Mr. President, today the Senate will pass H.R. 1350, the Individuals with Disabilities Education Improvement Act of 2004, legislation which has my support.

This important legislation, which reauthorizes the Individuals with Disabilities Education Act, is a compromise that protects the civil rights of children with disabilities, while ensuring that teachers, principals, and administrators have the essential tools to improve these children's academic or functional skills and knowledge. It is the culmination of months of hard-fought bipartisan and bicameral negotiations in an attempt to strike the balance between these competing interests and overall. This bill improves upon current law.

As an original cosponsor of the Senate version of this bill and the sponsor of an earlier bill on personnel preparation and development, I am pleased that most of the provisions I authored on the recruitment, preparation, support, and professional development of special education teachers, general education teachers, principals, administrators, related services personnel, and others working with children with disabilities have been included in the final version of the bill before us today. First, the bill requires states, through the renamed State Personnel Development Grants, to target 100% of the funding under this competitive grant for professional development activities—an increase of 25% from current law. These grants will help achieve our goal of ensuring that there is a highly qualified teacher in every classroom in America. Furthermore, the bill sends funding to states via a formula once funding reaches $100 million, ensuring that teachers in every state benefit. Additionally, as a condition of receiving a State Personnel Development Grant, a state educational agency must submit a comprehensive plan that identifies and addresses the state's personnel needs. This and other new requirements will ensure that the state educational agency has the necessary expertise and strategies in place to boost the skills of teachers and in turn improve the education of children with disabilities.

Retaining special education teachers new to the profession is a particular area of concern in our States. According to data from the National Clearinghouse for Professions in Special Education, the turnover rate of special education teachers in their first 3 years of teaching is exceptionally high—much higher than the comparative rate for general education teachers. Annual attrition rates for special education teachers are 6 percent for those who leave the field entirely and an additional 7.4 percent who transfer to general education. High turnover is costly both for school districts, which must repeatedly fill the same positions, and for students, who lose the advantage of being taught by experienced special education teachers. As such, I am pleased that the bill establishes a new grant program for institutions of higher education to help beginning special educators. Funding is authorized for incorporating an extended, such as a fifth year, clinical learning opportunity to existing special education preparation programs or for the creation or support of teacher-faculty partnerships, such as professional development schools, that provide high-quality and ongoing mentoring to new special education teachers so that they will remain in the field.

The legislation also enhances existing IDEA personnel preparation programs to ensure that all teachers and other personnel have the skills, knowledge, and leadership training to improve results for students with disabilities, including working collaboratively in regular classroom settings, addressing the needs of limited English proficient students with disabilities, preventing the misidentification of children with disabilities, working with parents to improve the education of their children, and utilizing positive behavioral interventions to address the conduct of children with disabilities that impedes their learning or that of others in the classroom.

There are other highlights as well. This bill aligns the Individuals with Disabilities Education Act with the No Child Left Behind Act by requiring states to ensure that all special education teachers are highly qualified by the 2005–2006 school year, including allowing teachers to meet the standard through the high objective uniform state standard of evaluation or HOUSSE; requires the uniformity of electronic versions of instructional materials and provides for the establishment of a National Instructional Materials Access Center to give schools a one-stop shop for textbooks and other educational materials for students who are blind or possess another disability which necessitates alternate formats; expands the current definition of related services to include school nurse services; strengthens early intervention and preschool programs for infants, toddlers, and preschoolers with disabilities, including permitting states to create a system that gives parents the choice to have their child continue early intervention services until the age of five; establishes a new program aimed at developing and enhancing behavioral supports in schools while improving the quality of interim educational settings; enhances planning and transition services for children with disabilities; advances the monitoring and enforcement of IDEA; and improves services for homeless and foster care students with disabilities.

Teachers, principals, and administrators are also given flexibility to more effectively provide an education to all students. There are new approaches to resolving complaints to head off litigation and to reducing paperwork, along with a clearer framework for the discipline of children with disabilities.

I thank my colleagues, Senators KENNEDY and GREGG, and their staffs, for their excellent work on this important bipartisan legislation. One staff member, Connie Garner, deserves special recognition for her tireless efforts to make this law work for students, parents, teachers, and schools.

This is significant legislation for the people of Rhode Island and across the nation, and I am pleased to support it. I will also continue to press for full funding of IDEA to provide 40% of the excess cost of providing special education services—a promise Congress made in 1975 when IDEA was first enacted. Funding for IDEA services has only recently reached nearly 19 percent—just under halfway to fulfilling that promise. While we have taken a number of positive steps with this bill to ensure a high quality, free appropriate public education for children with disabilities, we must bridge the funding gap so these children receive the educational assistance and support they need and deserve.

TEACHERS

Mr. President, I am pleased that our bill now requires special education teachers to be fully certified by the state. Prohibiting temporary or emergency certification is an important step forward and one that brings IDEA in line with NCLB. It is important that teachers who are fully certified in special education have the unique knowledge and skills needed to effectively teach students with disabilities. Parents should know that the label of ''fully certified special education teacher'' means that the teacher has demonstrated both knowledge and skill in special education practices. Senator KENNEDY, is it your understanding that full state certification in special education includes a demonstration of such knowledge and skill?

Mr. KENNEDY. Yes, Senator REED, that is my understanding. Well-prepared special education teachers are

critical to our goal of providing a quality education for all children with disabilities. Such teachers need to be prepared with the skills and expertise needed to teach children with disabilities. Those skills may include the teaching of a standards-based reform curriculum to students with disabilities, helping students access technology-based learning tools, or adapting materials and learning environments for students with disabilities.

In addition to traditional special education preparation programs at our colleges and universities, some alternative routes to certification offer important and useful options to addressing the special education teacher shortage—especially in rural and urban school systems with hard-to-staff schools. Some of our alternative routes have produced special education teachers with great skill and knowledge.

Mr. REED. I thank Senator KENNEDY for that clarification.

Mr. DODD. Mr. President, I support a bipartisan, bicameral reauthorization of the Individual with Disabilities Education Act, IDEA. I want to start by thanking my fellow conferees and their staff for all of their hard work in putting together the bipartisan, bicameral legislation we are considering today. While we may still have some disagreements about the substance of the bill, getting to this point in a bipartisan way is no small achievement, and I know we are all better for it.

Nothing pleases me more than to move forward with a reauthorization that the education, the disability, and the parent and student community have been eagerly waiting for: a bill that will ensure that students with disabilities get the services they are entitled to while providing school systems with a greater degree of flexibility in implementing the law.

The Individuals with Disabilities Education Improvement Act of 2004 emphasizes accountability and improved results, improves monitoring and enforcement of the law, and works to reduce litigation by providing new opportunities for parents and schools to address concerns and disputes.

The bill reduces paperwork by streamlining State and local paperwork requirements, provides earlier access to services and supports for infants, toddlers and preschoolers with disabilities, and properly puts added emphasis on transition services so that special education students leave the system ready to be full productive citizens, whether they choose to go on to college or a job. Like No Child Left Behind, this bill also increases and improves opportunities for parental involvement and supports special education teachers in becoming ''highly qualified'' to do their jobs.

I am particularly pleased that the IDEA conference agreement contains provisions that I, along with Senators COCHRAN, HARKIN and BUNNING, originally introduced as the Instructional Materials Accessibility Act, IMAA. These important provisions will greatly aid blind and print-disabled students by ensuring that they receive their textbooks and other instructional materials in the formats that they require, such as Braille, at the same time as their sighted peers.

Far too often, blind, visually-impaired and print-disabled students wait months for their State or local school districts to convert their textbooks into Braille or another alternative format. At the same time, school districts face exorbitant costs for these conversions. The Instructional Material Accessibility Act provisions included in this reauthorization will mandate the adoption of one uniform electronic file format that will greatly ease the process of converting learning materials into alternative formats, such as Braille.

Secondly, the IMAA provisions will create a repository for these formats so that they can be disseminated to local school districts quickly and cost effectively.

We often hear today the pledge that we will leave no child behind. May I suggest that we also make every effort to ensure that we leave no blind child behind. The adoption of these important provisions will go a long way toward ensuring that blind, visually-impaired and print-disabled students are not left behind in the classroom.

And while I am disappointed that the bill does not contain a provision to provide mandatory full-funding of IDEA, I believe that the monetary targets that have been provided, are at least pointing us in the right direction. Still, I think it is important to remind everyone, yet again, that thirty years ago when we passed IDEA, we made a commitment to, over time, cover 40 percent of the State cost of servicing students with special needs.

We have yet to make good on this commitment. Today the Federal Government supports less than 20 percent of the cost of the program. That is not even half of the 40 percent we promised 29 years ago. States and municipalities are bearing more than their share of responsibility for meeting disabled students' needs. States and municipalities need our help. As I have said before, I cannot accept the argument that because our economy is faltering, or we are a Nation at war, we cannot provide our children and their families with the critical educational resources they need. Investment in education is no less important in a weak economy or while our Nation is at war.

Almost 30 years ago, Congress passed the Individuals with Disabilities Education Act to help States provide all children with disabilities with a free, appropriate public education in the least restrictive environment possible. Since that time, this law has made an incredible difference in the lives of millions of American children and their families.

Fundamentally, this is a good bill—one that will help guarantee the full potential of all our children while assisting school districts in their efforts to deliver special education services in an efficient manner. That is why I will support it.

Mr. JEFFORDS. Mr. President, as the 108th Congress comes to a close, the House and the Senate are considering a significant legislative initiative, the Individuals with Disabilities Education, UDEA, Improvement Act. The purpose of the IDEA Improvement Act is to reauthorize the law that was enacted 29 years ago, the Education for All Handicapped Children Act. That law, now known as IDEA, was based upon a series of court decisions in the early 1970s that found that children with disabilities were no different than other children and were, and still are, entitled to a free and appropriate education.

I was one of the original authors of the 1975 law. A key provision of that law was the inclusion of language that committed the federal government to pay 40 percent of the national average per pupil expenditure for each disabled child's education. Unfortunately, this is a commitment that has yet to be met. This year, my own state of Vermont had to spend $22 million in state funds to make up the shortfall from the Federal Government.

I do not believe the bill before us, the IDEA Improvement Act of 2004, will provide the Federal funding to sufficiently accommodate all children with disabilities. As we approach the 30th anniversary of the original IDEA law, it is unconscionable that we, the Congress, will have once again failed to fulfill our commitment to pay the 40 percent share we promised almost three decades ago. In fact, as of today, we are not even halfway there.

I voted against the Senate version of this bill earlier this year, primarily because of the funding issue, and I am opposed to the passage of the House-Senate IDEA Improvement Act conference report.

In addition to the funding problem, I have serious concerns about two other provisions. The IDEA Improvement Act aligns itself with the No Child Left Behind standard for teacher quality. Unfortunately, the definition here is as flawed as it is in the NCLB Act. I had hoped the bill would recognize the balance between providing children with quality instruction and the difficulties in recruiting and retaining quality teachers. In Vermont today, more than one-fifth of special educator positions are not filled by qualified personnel. I believe that this bill will make that statistic worse, not better.

Another issue that is troubling to me is the diversion of IDEA funds to other education programs. This bill allows school districts to reduce local spending equal to 50 percent of all new federal IDEA funds, from fiscal year 2005 forward, and use them for other educational purposes. This flexibility is available if school districts are in compliance with IDEA. This means that in

a few years, the vast majority of school districts in the country will be able to shift billions of dollars that had been spent on special education to other areas. I have been fighting for years to increase the amount of money available for special education, and this provision risks derailing the progress that we have made. I am gravely concerned about this provision and its impact. School districts that are underfunded by No Child Left Behind will be tempted to fix that problem by cutting corners in IDEA and using that money for other programs. This sets a terrible example for future education legislation.

Although I oppose the final passage of this bill, several provisions improve upon current law. Most importantly, the bill maintains the constitutionally guaranteed rights of children with disabilities.

The bill greatly improves the monitoring and enforcement procedures for compliance with the law. Previously, states not in compliance were not necessarily sanctioned. In fact, in many situations, the only mechanism for enforcing the law was moving forward with a lawsuit. This new legislation calls for increased federal oversight and provides more enforcement tools at the state level.

Although I am opposing the passage of the IDEA Improvement Act, I would like to especially thank Senator KENNEDY and his staff for their efforts during this process, especially Connie Garner, whose hard work is greatly appreciated.

It is my hope that we will not wait until the next authorization to continue to work together to improve the IDEA program and the funding that is so desperately needed for all children with disabilities. Next year will mark 30 years of federal underfunding. When will we recognize that our children have waited long enough?

Mr. ENZI. Mr. President, I thank Chairman GREGG and Senator KENNEDY, Chairman BOEHNER and Representative MILLER for their leadership on this important issue. I also thank my colleagues and fellow conferees from both the House and Senate for their hard work on an issue that is vital to our children's education and their future, as well as ours.

When Congress passed the Individuals with Disabilities Education Act into law 30 years ago, it represented the strength of the Federal commitment to ensuring that all students would receive the support they need to reach their full potential. Congress made its position clear: all disabled students would be guaranteed a free and appropriate public education.

This legislation advances that concept that has been preserved in spirit and refined to make it more effective over time. It does so while staying true to the original intent of Congress. I am pleased to be able to support this legislation, and I would like to speak briefly on a few issues that are of great concern to me and the people of Wyoming that I represent.

As a rural State, Wyoming has many small schools where teachers are responsible for multiple subjects. Our special education teachers are in this position more often than other teachers in our State, simply because we do not have a lot of students and our special education classrooms are often very small and include several grade levels. My home county, Campbell County, currently has around 7,000 students. That is an entire county. I am aware that some States have more students enrolled in a single high school than we have in that entire county, which at 5,000 square miles, is bigger than the State of Delaware.

This legislation makes an important clarification to the Highly Qualified Teacher standard established by the No Child Left Behind Act. It defines highly qualified in a way that is consistent with No Child Left Behind, but it also provides flexibility for States, like Wyoming, that have a large number of special education teachers responsible for more than one subject. This change will ensure that disabled children will be taught by a highly qualified teacher and it also recognizes the reality of rural States and the challenges we have in recruiting and retaining teachers.

This bill also provides flexibility for States and school districts who are responsible for the largest portion of special education funding. An important change is the flexibility for States to use the same flexibility provided to districts if they provide 100 percent of the State's non-Federal education spending. Many of our districts in Wyoming and the State as a whole will benefit from this flexibility. They will be better able to support education programs serving our students' best interests, rather than having their hands tied by Federal law.

I am also pleased that we were able to reach consensus on the need to improve the due process and discipline sections under the current IDEA legislation. The amount of unnecessary litigation surrounding the provision of services for students with disabilities has become a burden for many districts, and it has been a problem that disproportionately affects small, rural districts. By adding mediation and other forms of alternative dispute resolution, we have given parents and schools the tools they need to resolve complaints outside of the courtroom. These changes represent a common sense approach to what has become a serious problem. I believe the revised due process and discipline sections address concerns we've heard from parents of students with disabilities and teachers, principals and administrators. They encourage parents and school leaders to work cooperatively to meet the needs of disabled children, which is in everyone's best interest.

I am pleased that we have been able to finish work on this important legislation before the close of the 108th Congress so these important improvements can be enacted.

Mrs. MURRAY. Mr. President, I will applaud passage of the Individuals with Disabilities Education Act. IDEA is based on the American principle of equal opportunity. IDEA recognizes that students have a civil right to a free, appropriate public education, even if they have special needs that require additional resources.

We still have a long way to go to meet the Federal Government's promise to fund 40 percent of special education, and we are working on that challenge. However, this bill that meets my highest priority—protecting the right of children with disabilities to a free, appropriate public education. In addition, this bill takes critical steps towards improving monitoring, enforcement, and public reporting. Our laws are only meaningful if we are willing to enforce them, and the provisions in this bill will help us do just that. I am pleased that this bill contains provisions that I fought for to provide the additional funding that school districts—especially small, rural districts or districts with major medical facilities—really need to provide FAPE for children whose disabilities result in extremely high costs. The bill also contains important improvements to early intervention services for infants and toddlers with disabilities.

I am particularly pleased that we were able to improve services for homeless and foster children with disabilities and children with disabilities in military families in this bill. I would like to thank my colleague, Senator DEWINE, and his staff, Mary Beth Luna, for working with me on these important provisions. These provisions are a major victory for America's most vulnerable disabled students. The bill ensures that a high quality education will follow them whenever they have to move to another school. The bill improves special education services and coordination of services for children with disabilities who transfer school districts; clarifies which appropriate adults can advocate for children with regard to their special education services, including when the parents cannot be located or are uninvolved with the child; improves coordination between McKinney-Vento and IDEA and overall representation of homeless and foster children in IDEA, and strengthens and expands early intervention services for infants and toddlers with disabilities who are homeless, in foster care, or in military families.

While I do believe that this bill takes critical steps to improve special education in this country, I am disappointed that the Federal Government continues to fail to meet the funding promises under IDEA. Nearly 30 years ago, the Federal Government made a commitment of equal opportunity to the Nation's children with disabilities. With that commitment, we promised that the Federal Government would uphold its end of the bargain and pay 40 percent of the average per student cost for every special education

student. Today, however, the Federal Government is paying about half of that cost.

Over the past few years, IDEA has received significant increases. However, according to the Congressional Research Service, at increases of $1 billion each year, the Federal Government will never fulfill the promise of funding at 40 percent. Further, even if annual increases were $1 billion plus inflation, we will not reach the promised level of 40 percent until 2035—more than 30 years from now.

Local schools are already struggling with the requirements of the No Child Left Behind Act, the lack of promised federal funding, and the dismal fiscal picture facing our state and local governments. I know we can do better for America's disabled students. Let's not make them wait another 30 years to fully-fund this law. I look forward to working with my colleagues to ensure that the Federal Government fulfills the promises of IDEA next year.

I want to thank Senator KENNEDY, Chairman GREGG, Chairman BOEHNER, and Congressman MILLER for their leadership on this bill. I also want to thank their staffs, Connie Garner, Denzel McGuire, Bill Lucia, Sally Lovejoy, David Cleary, Melanie Looney, Alex Nock, and Alice Cain for all of their hard work on this bill. The time and effort that they and their staff have put into this bill really show in the quality of the final product, which I am pleased to support.

Ms. MIKULSKI. Mr. President, I am pleased that we are finally reauthorizing this important legislation, the Individuals with Disabilities Education Act. I thank Senator KENNEDY, Senator GREGG, Congressman BOEHNER, and Congressman MILLER. I know how hard you worked on this bill. You tackled complicated issues and found common ground. I appreciate your efforts.

Overall, I think this is a good bill. It's not perfect. I know there are Marylanders who will be disappointed. I've heard from parents who are concerned that this bill rolls back the guarantee of a quality education for their children. And I've heard from teachers, principals, and school superintendents who want to know where the resources will come from, because this bill doesn't fully fund IDEA. But I'm going to vote for it because we can't let the perfect be the enemy of the good.

This bill takes important steps towards improving special education for students, families, and schools. It sets a clear path for fully funding IDEA. It protects the rights of students. It simplifies complicated rules and makes it easier for schools and parents to navigate—not litigate. And it allows schools to help students who need special attention, but not necessarily special education.

I've talked to Marylanders about this, like the women of Delta Sigma Theta Sorority. They see their children being racially sidelined—pushed into special education when what they really need is special attention. I'm so pleased that we are doing something in this bill to stop racial sidelining.

My top priority in this reauthorization was full funding. I think it's a shame that the bill doesn't fully fund IDEA. But I'm pleased it takes the first step towards full funding by authorizing specific funding levels for each year, until we get to full funding in 2008.

Why is this important? The Federal Government is supposed to pay 40 percent of the cost of educating children with disabilities, yet it has never paid more than 18 percent. That means local districts must make up the difference by skimping on special ed, cutting from other education programs, or raising taxes. I don't want to force States and local school districts to forage for funds, cut back on teacher training, or delay school repairs because the Federal Government has failed to live up to its commitment to special education. As a member of the Appropriations Committee I will fight to put this money in the Federal checkbook so special education is not a hollow promise.

Parents today are under a lot of stress, sometimes working two jobs just to make ends meet. They're trying to find day care for their kids and elder care for their own parents. The Federal Government shouldn't add to their worries by not living up to its obligations. With the Federal Government not paying its share of special ed these parents have a real question in their minds: Will my child will have a good teacher? Will the classes have up-to-date textbooks? Will they be learning what they need to know?

Parents of disabled children face such a tough burden already. Caring for a disabled child can be exhausting. School should not be one of the many things they worry about, particularly when the laws are already on the books to guarantee their child a public school education.

Special education has made such a huge difference in the lives of students with disabilities. It gives disabled children a chance to succeed in school and in life. I want to do what's best for families and schools. Parents and students need to be able to count on a quality education. That's why I'm voting for this legislation. But know that I will continue to fight for full funding of IDEA, because I don't want special education to be a hollow promise.

Mr. BINGAMAN. Mr. President, I am so pleased to be here today to talk about the Individuals with Disabilities Education Improvement Act of 2004. This legislation represents a significant step forward in advancing the academic achievement of millions of children with disabilities. The purpose of this bill is to improve the educational and functional outcomes for students with disabilities.

I believe this legislation accomplishes this goal by: aligning IDEA to the requirements of No Child Left Behind; protecting the civil rights of children with disabilities; providing new opportunities for schools and parents to resolve disputes equitably; simplifying the discipline provisions and makes it easier for schools to administer the law; reducing unnecessary paperwork burdens; providing quality services and instruction for children from early childhood through graduation; providing resources to support teachers, principals, and other school personnel; providing local school districts with significant flexibility in the use of Federal IDEA dollars; and holding States and local school districts accountable for implementation of the law.

This legislation represents a truly bipartisan effort. This process did not happen overnight, however. The Senate began working on this bill in the fall of 2002, and after years of work and negotiation, passed it earlier this spring by an overwhelming vote of 95 to 3. The House passed its own version of the bill in 2003, but it passed largely along partisan lines. The House-passed bill and the Senate version were very different bills. But in the end, I am pleased to say, both parties in both Houses of Congress worked diligently, and in good faith, to pass the best bill possible. Earlier this week, Senate and House Conferees approved the legislation by a decided vote of 29 to 1. I would like to thank the Chairman and the Ranking Member of the HELP Committee for their commitment to passing this legislation. Their staffs, Denzel McGuire and Connie Garner, have worked tirelessly on behalf of our Nation's students with disabilities, and deserve recognition.

IDEA is sometimes seen as a controversial piece of legislation. It is a unique blend of civil rights law and state grant program, and as a result, often pits the constitutional rights of children with disabilities to a free appropriate public education against the flexibility teachers need to teach. While this bill is certainly not perfect, I believe it strikes a good, fair balance.

Earlier this year, this country celebrated 50 years of public school desegregation. In the landmark decision of Brown v. Board of Education, Chief Justice Warren wrote that ''in the field of public education, the doctrine of 'separate but equal' has no place.'' This decision literally opened the doors of our public schools to all children, regardless of race.

But, the doors to a public education did not open quite so quickly for children with disabilities. Prior to enactment of IDEA in 1975, children with disabilities were still being segregated. More than one million students were excluded from public schools, and another 3.5 million did not receive appropriate services. Many States had laws excluding certain students, including those who were blind, deaf, or labeled ''emotionally disturbed'' or ''mentally retarded.'' The likelihood of exclusion was significantly greater for children

with disabilities living in low-income, ethnic and racial minority, or rural communities.

Parents, however, began asserting their children's rights to attend public schools, using the same equal protection arguments used on behalf of the African American children in Brown; the 14th Amendment of the U.S. Constitution guarantees their children equal protection under the law. Recognizing the Constitution's guarantee of equal protection under the law, Congress enacted the law now known as IDEA, creating the statutory right to a free appropriate public education in the least restrictive environment.

We have come a long way since that law was first enacted. In 2001, we passed the No Child Left Behind Act. In that legislation, we recognized that every child has the capacity to learn, and we required our States to improve the academic achievement of all children. For the first time, we held schools accountable for the academic achievement of students with disabilities.

By all accounts, this challenge is great. States and schools try their best with both inadequate resources and inadequate technical assistance from the Department of Education. But, we cannot allow ''a pass'' for these children. We cannot turn our back on the six million children with disabilities and their families. It is our obligation to ensure that students with disabilities count too.

This legislation ensures that local school districts measure the performance of students with disabilities on State or district-wide assessments, including alternate assessments aligned to the State's academic content standards or alternative standards. The legislation also ensures that students with disabilities are taught by highly qualified teachers, and sets forth rigorous yet flexible criteria for States to meet. The legislation requires special education teachers to be certified in special education, have at least a bachelor degree, and demonstrate appropriate subject knowledge. The bill, however, gives states significant flexibility in determining how a teacher meets those standards.

It is essential that children with disabilities have access to, and succeed in, the general education curriculum. The due process and procedural safeguard provisions are the most important means of protecting the constitutional rights of children with disabilities to a free appropriate public education. This legislation maintains these vital civil rights protections.

Yet, we also recognize that IDEA is sometimes seen as too litigious and confrontational. Accordingly, we have created new opportunities for parents and schools to address concerns before the need for a due process hearing, and encourage parents and schools to resolve differences by clarifying that mediation is available at any time.

Further, this bill addresses the problems associated with discipline, which is often viewed as complex and difficult to administer. The bill simplifies the framework for schools to administer the law, while ensuring the rights and the safety of all children. It requires schools to determine if a child's behavior was the result of his or her disability or poor implementation of their Individualized Education Program, IEP, when considering a disciplinary action. It requires that schools conduct functional behavioral assessments and give behavioral interventions to students who are disciplined beyond 10 days, in order to prevent future behavior problems. And, the bill provides resources to help develop and enhance behavioral supports in schools while improving the quality of interim alternative education settings.

We also recognize that too many teachers get bogged down in burdensome paperwork chores. According to the Department of Education, 53 percent of special education teachers reported that paperwork and other routine duties interfered with their job of teaching students to a great extent. Clearly, the amount of paperwork involved in a special education teacher's job is a problem. I am pleased that this bill takes significant steps to reduce the paperwork burden.

For example, under this legislation: teachers will have increased access to technology; teachers and other staff will conduct fewer evaluations; IEPs and IEP meetings will be simplified; procedural safeguards notices will not be provided multiple times in a year, unless there are special circumstances; the Department of Education will create model forms to show States and districts how to meet the requirements of IDEA while reducing paperwork; and up to 15 States will be allowed to participate in a ''Paperwork Reduction Demonstration.'' This demo would allow states to waive burdensome statutory and regulatory requirements that interfere with a teacher's ability to teach, while at the same time ensuring that a State does not impinge upon the constitutional rights of children with disabilities to a free appropriate public education.

The bill also expands services to students with disabilities in many ways. The legislation ensures educational services for homeless and foster students with disabilities, as well as for other students who frequently transfer from one school to another. The bill improves access to instructional materials for students who are blind or for students with other visual disabilities. It also provides extensive early intervention services for children ages zero through 5, increasing the focus on school readiness activities. The bill improves the IEP process, making it easier for parents and teachers to more meaningfully develop a student's education plan. And, the bill significantly improves transition services to ensure that students with disabilities are prepared for postsecondary education or employment.

This legislation recognizes that approximately ⅔ of the students with disabilities in this country spend a majority of the school day in general education classrooms, and accordingly provides local school districts with significant flexibility in the use of its Federal IDEA dollars. For example, a local school district may use up to 15 percent of its IDEA funds to develop an educational support system to help students who have not been identified as needing special education, but who require additional academic and behavioral supports to succeed in the general education curriculum. Or, a school district may reduce its maintenance of effort by up to 50 percent of its increases in Federal funds to support other educational activities.

One of the most critical features of this bill is the level of support provided to teachers, principals, and other school personnel. We all know the difference a well-prepared, highly qualified teacher can make in the life of a student. This legislation provides personnel development grants to States to help recruit, prepare, and retain highly qualified special educators. It also provides grants to institutions of higher education to focus exclusively on training for beginning special educators through extended clinical experience or teacher-faculty partnerships.

Finally, and perhaps most importantly, this legislation holds States and school districts accountable for the academic and functional achievement of students with disabilities. It provides the Secretary of Education and the States with the authority and the tools to implement, monitor, and enforce the law.

We recognize the potential burden these provisions might place on State departments of education, and accordingly have increased the amount of funds States may reserve for statewide activities to carry out these provisions. In addition, we have authorized the Secretary to set-aside a portion of its funds to provide technical assistance to States to help implement these provisions.

In order to ensure the constitutional right to a free appropriate public education for children with disabilities, the Department of Education must have the tools necessary to enforce compliance with IDEA. The Department of Education has found widespread noncompliance with the law and regulations, with more than half of the violations directly related to the provision of student services.

In 2003, New Mexico served nearly 64,000 students under IDEA. I strongly believe these provisions are absolutely necessary to ensuring that these students receive the special education and related services they are entitled to.

This legislation takes a significant step forward in providing the millions of students with disabilities the accountability, tools, and resources necessary to access, and succeed in, the general education curriculum. While I

am certainly disappointed that we have not provided full funding, and we have not addressed all of the issues to the complete satisfaction of parents, teachers, and schools, I am confident that this bill will help students with disabilities achieve to their highest potential.

Mr. CORZINE. Mr. President, I am pleased that Congress is in the final stage of reauthorization of the Individuals with Disabilities Education Act, IDEA. While I am glad that the bill emerged in a bipartisan way, I am still frustrated that Congress has yet again failed to fulfill its promise to fully fund IDEA. With IDEA still drastically underfunded, schools are left without the necessary resources to provide the best services to children with disabilities, and our communities are burdened with an unfulfilled federal promise.

In my home State of New Jersey, school budgets are capped by law at 3 percent annual growth. Therefore, districts often have to cut other programs to accommodate mandated and rising special-education costs. Or—local property taxpayers, who already are overburdened—have to pay increased taxes to cover expenses that the Federal Government should be sharing.

I have received many letters, phone calls, and emails from concerned constituents urging Congress to fulfill the promise of full funding for the services mandated under IDEA. I have supported efforts to require full funding of IDEA and intend to continue the fight so that every child receives the free and appropriate public education the law guarantees and we can ease the burden on our local communities.

In addition, I would like to highlight one specific issue related to IDEA that has not only affected the children of New Jersey, but children across this nation. That is the staggering increase in the number of children diagnosed with autism spectrum disorder, ASD. Recent epidemiology studies have shown that autism spectrum disorders are ten times more prevalent than they were just 10 years ago, making ASD the second most common developmental disability. While there is currently much debate and still no conclusive evidence as to the cause of this alarming trend, it is clear that this trend will continue. Equally clear is the critical need for Congress to address the issue of early intervention and effective treatment for children diagnosed with ASD.

Scientific evidence has proven that early intervention is a key to success when treating ASD. Over the last 20 years, experts have developed effective strategies for the correction of autism disorder, and research shows that with the early application of an effective therapy, substantial gains can be accomplished toward the remediation of autistic disorder in many children. With autism diagnoses escalating, expanding access to treatment, especially at an early age, is vital to improving the outcomes for children affected by ASD. That is why I introduced the Teacher Education for Autistic Children Act or TEACH Act. I worked closely with New Jersey Center for Outreach and Community Services for the Autism Community, NJCOSAC, Autism Coalition for Research and Education, and Parents of Autistic Children to create this legislation that addresses the needs of autistic children by bringing more qualified teachers into the classroom, helping families receive the support and services they need for their children, and ensuring quality vocational programs to assist people with autism transition from school to work.

I am happy to report that some critical provisions of the TEACH Act have been included in the IDEA conference report currently being considered by the Senate. These provisions will make Federal funds available to develop and improve programs for children with autism, using research grounded in science. The grants will help ensure quality professional development for special education teachers by providing in-service training to schools and personnel who teach children with ASD. With the demand for services grossly outpacing the supply of qualified teachers and therapists, these provisions are critical to increasing the number of special education teachers trained to teach children diagnosed with ASD and help them reach their full potential.

I would like to extend my heartfelt thanks to the entire HELP Committee for their tireless efforts in working with me to get this essential language included in the bill. In particular, I would like to single out Connie Garner for her dedication and diligent work on behalf of children with special needs. I look forward to continuing to work on this important issue with my colleagues in Congress and with the autism community to ensure that all children with ASD have access to quality teachers trained in providing cutting-edge treatments.

The conference report was agreed to.

Mr. SESSIONS. Mr. President, I will note that is a significant piece of legislation that just passed. I serve on that committee. We spent several years working on it. We have improved some of the discipline problems. We have reduced some of the paperwork. I believe maybe there is more we can still do, but that is a big deal for hundreds of thousands of teachers and students all over our country.

MAKING CERTAIN CORRECTIONS TO THE ENROLLMENT OF H.R. 1350

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res 524, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 524) directing the Clerk of the House of Representatives to make certain corrections to the enrollment of H.R. 1350.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 524) was agreed to.

EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF A REINVIGORATED UNITED STATES VISION OF FREEDOM, PEACE, AND DEMOCRACY IN THE MIDDLE EAST

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 477, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 477) expressing the sense of the Senate in support of a reinvigorated United States vision of freedom, peace, and democracy in the Middle East.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 477) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 477

Whereas the President articulated to the world on November 12, 2004, a vision of freedom, peace, and democracy for the broader Middle East;

Whereas this vision was also shared and expressed by Prime Minister Blair of the United Kingdom;

Whereas that vision includes a just and peaceful resolution of the Arab-Israeli conflict based on 2 democratic States, Israel and Palestine, living side by side in peace and security;

Whereas the President again stated his commitment to the security of Israel as a Jewish State;

Whereas the road map, endorsed by the United States, the United Kingdom, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, remains a realistic and widely recognized plan for making progress toward peace;

Whereas the international community should support Palestinian efforts to build the necessary political, economic, and security infrastructure essential to establishing a viable, democratic state;

Whereas there will be no lasting peace in the Middle East without a Palestinian State that is democratic, free, and based on the rule of law, including free press, free speech, an open political process, and religious tolerance;

Whereas the Palestinian leaders must meet their commitments under the road map to fight terrorism and dismantle terrorist organizations;

Whereas the Palestinian Authority will need a credible and unified security structure capable of providing security for the Palestinian people and fighting terrorism;

Whereas Palestinian leaders, with help from the international community, must also develop effective and transparent financial structures that provide for the economic and social needs of the Palestinian people;

Whereas the President stated that now is the time to seize the opportunity of new circumstances in the region to redouble our efforts to achieve this goal;

Whereas achieving the goals of peace, security, and stability will require the United States, its international partners, and the parties involved to take the following steps articulated in a Joint Statement by President Bush and Prime Minister Blair on November 12, 2004:

(1) recommit to the overarching 2-State vision set out by President Bush in his statement of June 24, 2002 and repeated in the road map;

(2) support the Palestinians as they choose a new President within the next 60 days, and as they embark upon an electoral process that will lead to lasting democratic institutions;

(3) mobilize international support behind a plan to ensure that the Palestinians have the political, economic, and security infrastructure they need to create a free, viable, and democratic State, including free press, free speech, an open political process, and religious tolerance;

(4) support the disengagement plan of Prime Minister Sharon from Gaza and stipulated parts of the West Bank as part of this overall plan; and

(5) recognize that these steps lay the basis for more rapid progress on the road map as a reliable guide leading to final status negotiations;

Whereas the United States will join with others in the international community to foster the development of Palestinian democratic political institutions, support the new leadership of the Palestinians that is committed to those institutions, assist in the reconstruction of civic institutions, promote the growth of a free and prosperous economy, and endorse the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations; and

Whereas in order to promote a lasting peace, all States in the region must oppose violence and terrorism, foster the development of democratic political and civic institutions, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it

Resolved that the Senate—

(1) endorses the Joint Statement made by President Bush and Prime Minister Blair on November 12, 2004, expressing a shared vision of freedom, peace, and democracy in the broader Middle East and supports a reinvigorated and concerted United States-led international effort to achieve that vision;

(2) supports explicitly the steps presented by President Bush and Prime Minister Blair in that Joint Statement as the basis for more rapid progress on the road map as a reliable guide leading to final status negotiations;

(3) reaffirms its commitment to a vision of 2 democratic States, Israel and Palestine, living side by side in peace and security as the key to peace; and

(4) expresses its commitment to the road map, which was endorsed by the United States, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, as a realistic and widely recognized plan for making progress toward peace.

TO AMEND AND EXTEND THE IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT OF 1998

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 2655, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2655) to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Lugar substitute at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4071) was agreed to, as follows:

AMENDMENT NO. 4071

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENT AND EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.

(a) IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT.—

(1) PROGRAM PARTICIPANT REQUIREMENTS.—Section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended by adding at the end the following:

''(5) PROGRAM PARTICIPANT REQUIREMENTS.—An alien entering the United States as a participant in the program shall satisfy the following requirements:

''(A) The alien shall be a citizen of the United Kingdom or the Republic of Ireland.

''(B) The alien shall be between 21 and 35 years of age on the date of departure for the United States.

''(C) The alien shall have resided continuously in a designated county for not less than 18 months before such date.

''(D) The alien shall have been continuously unemployed for not less than 12 months before such date.

''(E) The alien may not have a degree from an institution of higher education.''.

(2) EXTENSION OF PROGRAM.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) in subsection (a)(3), by striking ''the third program year and for the 4 subsequent years,'' and inserting ''each program year,''; and

(B) by amending subsection (d) to read as follows:

''(d) SUNSET.—

''(1) Effective October 1, 2008, the Irish Peace Process Cultural and Training Program Act of 1998 is repealed.

''(2) Effective October 1, 2008, section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

''(A) by striking 'or' at the end of clause (i);

''(B) by striking '(i)' after '(Q)'; and

''(C) by striking clause (ii).''.

(3) COST-SHARING.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note), as amended by paragraph (2), is further amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b), the following new subsection:

''(c) COST-SHARING.—The Secretary of State shall verify that the United Kingdom and the Republic of Ireland continue to pay a reasonable share of the costs of the administration of the cultural and training programs carried out pursuant to this Act.''.

(4) TECHNICAL AMENDMENTS.—The Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(B) by striking ''Immigration and Naturalization Service'' each place such term appears and inserting ''Department of Homeland Security''.

(b) IMMIGRATION AND NATIONALITY ACT.—

(1) REQUIREMENTS FOR NONIMMIGRANT STATUS.—Section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

(A) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(B) in clause (ii)(I)—

(i) by striking ''35 years of age or younger having a residence'' and inserting ''citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months''; and

(ii) by striking ''36 months)'' and inserting ''24 months)''.

(2) FOREIGN RESIDENCE REQUIREMENT.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(A) by redesignating the subsection (p) as added by section 1505(f) of Public Law 106–386 (114 Stat. 1526) as subsection (s); and

(B) by adding at the end the following:

''(t)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I), or acquiring such status after admission, shall be eligible to apply for nonimmigrant status, an immigrant visa, or permanent residence under this Act until it is established that such person has resided and been physically present in the person's country of nationality or last residence for an aggregate of at least 2 years following departure from the United States.

''(2) The Secretary of Homeland Security may waive the requirement of such 2-year foreign residence abroad if the Secretary determines that—

''(A) departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or an alien lawfully admitted for permanent residence); or

''(B) the admission of the alien is in the public interest or the national interest of the United States.''.

The bill (H.R. 2655), as amended, was read the third time and passed.

AUTHORITY OF THE U.S. DISTRICT COURT TO HOLD COURT IN ROCK ISLAND, IL

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2873, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2873) to extend the authority of the U.S. District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4072

Mr. SESSIONS. Mr. President, I send an amendment to the desk on behalf of Mr. LEAHY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. LEAHY, proposes an amendment numbered 4072.

The amendment is as follows:

(Purpose: to provide for additional places of holding court, and for other purposes)

At the end of the bill add the following:

SEC. 2. HOLDING OF COURT AT CLEVELAND, MISSISSIPPI.

Section 104(a)(3) of title 28, United States Code, is amended in the second sentence by inserting ''and Cleveland'' after ''Clarksdale''.

SEC. 3. PLACE OF HOLDING COURT IN TEXARKANA, TEXAS, AND TEXARKANA, ARKANSAS.

Sections 83(b)(1) and 124(c)(5) of title 28, United States Code, are each amended by inserting after ''held at Texarkana'' the following: '', and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas''.

SEC. 4. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by striking ''and Watertown'' and inserting ''Watertown, and Plattsburgh''.

SEC. 5. PLACE OF HOLDING COURT IN THE DISTRICT OF COLORADO.

Section 85 of title 28, United States Code, is amended by inserting ''Colorado Springs,'' after ''Boulder,''.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Leahy amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4072) was agreed to.

The bill (S. 2873), as amended, was read the third time and passed, as follows:

S. 2873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOLDING OF COURT FOR THE SOUTHERN DISTRICT OF IOWA.

Section 11029 of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 95 note; Public Law 107–273; 116 Stat. 1836) is amended by striking ''July 1, 2005'' and inserting ''July 1, 2006''.

SEC. 2. HOLDING OF COURT AT CLEVELAND, MISSISSIPPI.

Section 104(a)(3) of title 28, United States Code, is amended in the second sentence by inserting ''and Cleveland'' after ''Clarksdale''.

SEC. 3. PLACE OF HOLDING COURT IN TEXARKANA, TEXAS, AND TEXARKANA, ARKANSAS.

Sections 83(b)(1) and 124(c)(5) of title 28, United States Code, are each amended by inserting after ''held at Texarkana'' the following: '', and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas''.

SEC. 4. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by striking ''and Watertown'' and inserting ''Watertown, and Plattsburgh''.

SEC. 5. PLACE OF HOLDING COURT IN THE DISTRICT OF COLORADO.

Section 85 of title 28, United States Code, is amended by inserting ''Colorado Springs,'' after ''Boulder,''.

NATIONAL SEX OFFENDER REGISTRY ACT OF 2004

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2154, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2154) to establish a National sex offender registration database, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4073

Mr. SESSIONS. Mr. President, I send to the desk an amendment on behalf of Mr. DORGAN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. DORGAN, proposes an amendment numbered 4073.

The amendment is as follows:

(Purpose: to establish a national sex offender database available to the public, and for other purposes)

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dru Sjodin National Sex Offender Public Database Act of 2004'' or ''Dru's Law''.

SEC. 2. DEFINITION.

In this Act:

(1) CRIMINAL OFFENSE AGAINST A VICTIM WHO IS A MINOR.—The term ''criminal offense against a victim who is a minor'' has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(2) MINIMALLY SUFFICIENT SEXUAL OFFENDER REGISTRATION PROGRAM.—The term ''minimally sufficient sexual offender registration program'' has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

(3) SEXUALLY VIOLENT OFFENSE.—The term ''sexually violent offense'' has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(4) SEXUALLY VIOLENT PREDATOR.—The term ''sexually violent predator'' has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

SEC. 3. AVAILABILITY OF THE NSOR DATABASE TO THE PUBLIC.

(a) IN GENERAL.—The Attorney General shall—

(1) make publicly available in a registry (in this Act referred to as the ''public registry'') from information contained in the the National Sex Offender Registry, via the Internet, all information described in subsection (b); and

(2) allow for users of the public registry to determine which registered sex offenders are currently residing within a radius, as specified by the user of the public registry, of the location indicated by the user of the public registry.

(b) INFORMATION AVAILABLE IN PUBLIC REGISTRY.—With respect to any person convicted of a criminal offense against a victim who is a minor or a sexually violent offense, or any sexually violent predator, required to register with a minimally sufficient sexual offender registration program within a State, including a program established under section 170101 of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14017(b)), the public registry shall provide, to the extent available in the National Sex Offender Registry—

(1) the name and any known aliases of the person;

(2) the date of birth of the person;

(3) the current address of the person and any subsequent changes of that address;

(4) a physical description and current photograph of the person;

(5) the nature of and date of commission of the offense by the person;

(6) the date on which the person is released from prison, or placed on parole, supervised release, or probation; and

(7) any other information the Attorney General considers appropriate.

SEC. 4. RELEASE OF HIGH RISK INMATES.

(a) CIVIL COMMITMENT PROCEEDINGS.—

(1) IN GENERAL.—Any State that provides for a civil commitment proceeding, or any equivalent proceeding, shall issue timely notice to the attorney general of that State of the impending release of any person incarcerated by the State who—

(A) is a sexually violent predator; or

(B) has been deemed by the State to be at high-risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(2) REVIEW.—Upon receiving notice under paragraph (1), the State attorney general shall consider whether or not to institute a civil commitment proceeding, or any equivalent proceeding required under State law.

(b) MONITORING OF RELEASED PERSONS.—

(1) IN GENERAL.—Each State shall intensively monitor, for not less than 1 year, any person described under paragraph (2) who—

(A) has been unconditionally released from incarceration by the State; and

(B) has not been civilly committed pursuant to a civil commitment proceeding, or any equivalent proceeding under State law.

(2) APPLICABILITY.—Paragraph (1) shall apply to—

(A) any sexually violent predator; or

(B) any person who has been deemed by the State to be at high-risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(c) COMPLIANCE.—

(1) COMPLIANCE DATE.—Each State shall have not more than 3 years from the date of enactment of this Act in which to implement the requirements of this section.

(2) INELIGIBILITY FOR FUNDS.—A State that fails to implement the requirements of this section, shall not receive 25 percent of the funds that would otherwise be allocated to the State under section 20106(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706(b)).

(3) REALLOCATION OF FUNDS.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Dorgan amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4073) was agreed to.

The bill (S. 2154), as amended, was read the third time and passed.

DISPLACED STAFF MEMBERS OF SENATORS AND SENATE LEADERS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 478, introduced earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 478) relating to displaced staff members of the Senators and Senate leaders.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 478) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 478

Resolved, That (a) paragraphs (3) and (4) of section 6(a) of Senate Resolution 458, 98th Congress, agreed to October 4, 1984 (as amended by Senate Resolution 9, 103d Congress, agreed to January 7, 1993) are amended to read as follows:

''(3) The term 'eligible staff member' means an individual—

''(A) who was an employee—

''(i) of a committee or subcommittee thereof or a Senate leadership office described in subsection (b) of the first section of this resolution, or

''(ii) in an office of a Senator on the expiration of the term of office of such Senator as a Senator, but only if the Senator is not serving as a Senator for the next term of office and was a candidate in the general election for such next term,

''(B) whose employment described in subparagraph (A) was at least 183 days (whether or not service was continuous) before the date of termination of employment described in paragraph (4), and

''(C) whose pay is disbursed by the Secretary of the Senate.

The term 'eligible staff member' shall not include an employee to whom the first section of this resolution applies.

''(4) The term 'displaced staff member' means an eligible staff member—

''(A) whose service as an employee of the Senate is terminated solely and directly as a result of—

''(i) in the case of employment described in paragraph (3)(A)(i), a change in the individual occupying the position of Chairman or Ranking Minority Member of a committee or in the individual occupying the Senate leadership office, and

''(ii) in the case of employment described in paragraph (3)(A)(ii), the expiration of the term of office of the Senator, and

''(B) who is certified, not later than 60 days after the date of the change or expiration of term of office, whichever is applicable, as a displaced staff member by the Chairman or Ranking Minority Member of the committee, the Senator occupying the Senate leadership office, or the Senator whose term is expiring, whichever is applicable, to the Secretary of the Senate.''.

(b) Subsection (b) of the first section of such Senate Resolution 458 is amended—

(1) by inserting ''President pro tempore emeritus,'' after ''Deputy President pro tempore,'';

(2) by striking ''or'' before ''Secretary''; and

(3) by inserting ''the Chairman of the Conference of the Majority, the Chairman of the Conference of the Minority, the Chairman of the Majority Policy Committee, or the Chairman of the Minority Policy Committee,'' before ''the employees of such office''.

APPOINTING DAY FOR CONVENING OF 109TH CONGRESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that H.J. Res. 111, which is at the desk, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 111) was read the third time and passed.

NOMINATIONS DISCHARGED AND PLACED ON THE CALENDAR

Mr. SESSIONS. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the two lists of nominations that are at the desk, and that the nominations be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.